



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***JULY 21, 2003  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call.**

The Invocation will be delivered by The Reverend J. Donald Earwood, Associate Pastor, Villa Heights Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Wednesday, July 23, 2003, at 7:00 p.m., and Sunday, July 27, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), TO OBTAIN AN APPLICATION.**

## **REGULAR SESSION**

### **2. PRESENTATIONS AND ACKNOWLEDGMENTS:**

A Resolution memorializing the late Clare White.

R 11

Presentation by Lanford Brothers Company, General Contractors, in connection with the Murray Run Greenway. Alan G. Soltis, Vice President, Spokesperson.

P 13

### **3. CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

C-1           A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 14

RECOMMENDED ACTION: Concur in the request.

C-2           A communication from Mayor Ralph K. Smith transmitting the 2003 Annual Report of the Board of Equalization.

P 15

RECOMMENDED ACTION: Receive and file.

C-3           A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss terms of a contract in negotiation, pursuant to Section 2.2-3711 (A)(30), Code of Virginia (1950), as amended.

P 21

RECOMMENDED ACTION: Concur in the request.

C-4 Qualification of the following persons:

Clifford R. Weckstein as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2005;

Darlene L. Burcham as a member of the Roanoke Valley-Alleghany Regional Commission, for a term ending June 30, 2006;

Paula L. Prince as a member of the City Planning Commission, for a term ending December 31, 2004; and

William B. Hopkins, Jr., to fill the unexpired term of Robert Humphreys, resigned, ending June 30, 2004; and George Kegley and Charles E. Jordan for terms ending June 30, 2004, as members of the Roanoke Arts Commission.

RECOMMENDED ACTION: Receive and file.

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**

### **5. PETITIONS AND COMMUNICATIONS:**

- a. Request of Brian J. Wishneff, representing Citizens for a Sensible Stadium, to present issues of concern regarding Victory Stadium. (10 minutes) (Sponsored by Mayor Smith and Council Member Wyatt)
- b. Presentation by the Fair Housing Board with regard to accomplishments of the Board during the past year. Brenda Powell, Chair. (10 minutes) (Sponsored by the City Manager.)

P 22

P 23

## 6. REPORTS OF OFFICERS:

### a. CITY MANAGER:

#### ITEMS RECOMMENDED FOR ACTION:

- |    |   |                          |
|----|---|--------------------------|
| 1. | Authorization to apply for acceptance into the Certified Local Government Program of the Virginia Department of Historic Resources.   | P 24;<br>R 26            |
| 2. | Acceptance of Juvenile Accountability Incentive Block Grant Program funds, in the amount of \$34,706.00; and execution of an agreement with the Department of Criminal Justice Services.  | P 28;<br>B/O 30;<br>R 32 |
| 3. | Acceptance of a Local Government Challenge Grant, in the amount of \$5,000.00, from the Commonwealth of Virginia Commission for the Arts.   | P 33;<br>B/O 35;<br>R 36 |
| 4. | Adoption of the Workforce Investment Area III Chief Local Elected Officials Charter Agreement.  | P 37;<br>R 42            |
| 5. | Appropriation of \$15,000.00 in State grant funds for the Fifth District Disability Services Board.   | P 44;<br>B/O 45          |
| 6. | Allocation of the remaining \$50,000.00 from the Derelict Structures Fund grant to the Blue Ridge Housing Development Corporation; and execution of an agreement with the Blue Ridge Housing Development Corporation to renovate property located at 1018 Jamison Avenue, S. E. | P 46;<br>R 58            |

#### BRIEFINGS:

- |    |                                      |  |
|----|--------------------------------------|--|
| 7. | Pavement Cut Policy (30 minutes)     | (To be held prior to conclusion of the Council meeting.) |
| 8. | Zoning Ordinance Update (15 minutes) | (To be held prior to conclusion of the Council meeting.) |

## **7. REPORTS OF COMMITTEES:**

- a. Request of the Roanoke City School Board to appropriate funds to various accounts; and a report of the Director of Finance recommending that Council concur in the request.

P 60; B/O 64
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## **8. UNFINISHED BUSINESS: NONE.**

## **9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

## **12. CITY MANAGER COMMENTS:**

**CERTIFICATION OF CLOSED SESSION.**

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***JULY 21, 2003  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**Call to Order -- Roll Call.**

The Invocation will be delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Smith.

Welcome. Mayor Smith.

**NOTICE:**

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Wednesday, July 23, 2003, at 7:00 p.m., and Sunday, July 27, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **A. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

Shining Star Award.

Presentation by Emergency Medical Services recognizing 75 years of service to the City of Roanoke. Ken Harper, Spokesperson.

## **B. PUBLIC HEARINGS:**

1. Opening of bids and public hearing for a lease extension agreement to an existing lease of City-owned buildings located at 117 and 119 Norfolk Avenue, S. W. P 67
2. Request of Boutros and Sheila Melki that a tract of land located at 926 Indiana Avenue, N. E., identified as Official Tax No. 3060505, be rezoned from RM-1, Residential Multifamily, Low Density District, to CN, Neighborhood Commercial District. Eric R. Spencer, Attorney. P 70;  
O 84
3. Request of HASI Partnership to amend proffered conditions set forth in Ordinance No. 30040-52190, repealed and amended by Ordinance No. 31443-051793, in connection with property located at 3342 Melrose Avenue, N. W., identified as Official Tax No. 2660417. Edward A. Natt, Attorney. P 86;  
O 95
4. Proposal of the City of Roanoke to allow encroachment into the public right-of-way of four modular newsracks, two of which are to be located near the SunTrust Building, 510 Jefferson Street, S. E., and two to be located at Market Square, S. E., near Center In The Square. Darlene L. Burcham, City Manager. P 97;  
O 102
5. Proposal of the City of Roanoke to lease a portion of the Summit Water Tank and ground site to Nextel WIP Lease Corp., d/b/a Nextel Partners, for installation of antennas and related equipment thereon to provide for radio and wireless telecommunications services. Darlene L. Burcham, City Manager. P 105;  
O 106



**C. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**MOTION AND CERTIFICATION  
WITH RESPECT TO  
CLOSED MEETING**

**FORM OF MOTION:**

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

**PLEASE NOTE:**

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

WMH

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Clare Stone White, a native of Roanoke and a retired editor and features writer for The Roanoke Times.

WHEREAS, the members of Council learned with sorrow of the passing of Ms. White on Thursday, May 8, 2003;

WHEREAS, Ms. White grew up in Roanoke and knew just about everything there was to know about the valley;

WHEREAS, Ms. White graduated from Jefferson High School in 1929, and earned a bachelor's degree in philosophy and English literature from what is now Hollins University;

WHEREAS, after Ms. White graduated from college, she married James Lowery White, a supervisor for Appalachian Power Company;

WHEREAS, as a young woman, Ms. White taught piano lessons, served as president of the women's auxiliary of the Roanoke Symphony, played percussion with the symphony and volunteered to do its public relations;

WHEREAS, in her public relations position, Ms. White worked with The Roanoke Times writing and designing promotions for upcoming concerts, and in 1966 was offered a job as the newspaper's women's editor—a position she held until her retirement in 1977;

WHEREAS, as women's editor for the paper, Ms. White wrote a column, "The View From Here," and showed her love for knowledge and history through the articles she chose;

WHEREAS, Ms. White won a number of awards for her writing and editing, and was one of only two Landmark Communications special writers, writing for two Norfolk papers and two Greensboro papers as well as The Roanoke Times;

WHEREAS, the Roanoke Valley Historical Society commissioned Ms. White to write a history of Roanoke titled, "Roanoke 1740-1982," which was published in time for the City's 1982 centennial;

WHEREAS, Ms. White volunteered her time at the History Museum organizing tours, giving lectures, editing the newsletter and serving on the board, and became one of only two permanent directors;

WHEREAS, Ms. White did so much work in the History Museum's library at Center in the Square that it was named the Clare White Library;

WHEREAS, Ms. White researched and wrote four books: St. John's Episcopal Church, William Fleming, Patriot, a book about Green Springs, a Louisa County town, which was not published, and the aforementioned history of Roanoke.

WHEREAS, Ms. White was an active member of the Shakespeare Club, an elite group of women who would read plays and write about them; and

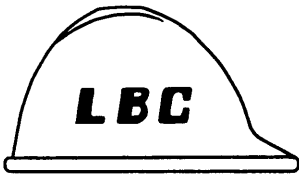
WHEREAS, Ms. White sang in the choir of St. John's Episcopal Church for many years.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Clare Stone White, and extends to her family its sincerest condolences.
2. The City Clerk is directed to forward an attested copy of this resolution to Ms. White's daughters, Martha Wiese of Lynchburg and Clare Sahling of Hendersonville, N.C.

ATTEST:

City Clerk.



July 10, 2003

The Honorable Mayor and Members of the Roanoke City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council

This is to request time on the City Council's agenda for Monday, July 21, 2003 to officially recognize the City's involvement in a partnership with the Raleigh Court Civic League, Roanoke City Schools, the Roanoke Valley Greenway Commission, Roanoke Parks and Recreation Department, and several local businesses in connection with construction of a section of the Murray Run Greenway behind Patrick Henry High School.

Sincerely,

Alan G. Soltis,  
Vice President



QUALITY

SAFETY

INNOVATION





**RALPH K. SMITH**  
Mayor

**CITY OF ROANOKE**  
**OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452  
ROANOKE, VIRGINIA 24011-1594  
TELEPHONE: (540) 853-2444  
FAX: (540) 853-1145

July 21, 2003

The Honorable Vice-Mayor and  
Members of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

I wish to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith", is written over a faint, larger version of the same signature.

Ralph K. Smith  
Mayor

RKS:sm



**RALPH K. SMITH**  
Mayor

**CITY OF ROANOKE  
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452

ROANOKE, VIRGINIA 24011-1594

TELEPHONE: (540) 853-2444

FAX: (540) 853-1145

July 16, 2003

The Honorable Vice-Mayor and  
Members of Roanoke City Council  
Roanoke, Virginia

Dear Vice-Mayor Harris and Members of Council:

Please find enclosed correspondence dated July 1, 2003, from The Honorable Clifford R. Weckstein, Judge, Twenty-Third Judicial Circuit of Virginia. Attached to Judge Weckstein's letter is a Report of the Board of Equalization for the taxable year July 1, 2003 to June 30, 2004.

Please note Judge Weckstein's requests and recommendations from the Board of Equalization. Judge Weckstein is most complimentary of the Office of Real Estate Valuation and staff assistance. Please note the second paragraph on page 2 of Judge Weckstein's letter suggesting that Council may want to consider an increase in the Board of Equalization per diem figure. My initial request was to have management obtain a comparison study of this request, but after a conversation with Will Claytor, who is the most qualified to assess the duties of the Board, I am convinced that the compensation is in line and would recommend that it remain at the same level. I have the greatest respect for the wisdom of Judge Weckstein and appreciate his recommendations. I would ask that this report be included on the Consent Agenda for the next meeting of Council, and thereafter received and filed.

On behalf of the Members of Council, I want to thank the Circuit Court and the Board of Equalization for their assistance in this process once again this year. Rutledge Robertson, Randolph Harrison and Sharon Ramsey, have provided exemplary service to the citizens of our great All-America City, for which we are very grateful.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith", is written over a faint, larger version of the same signature.

Ralph K. Smith  
Mayor

RKS:jsj

Enclosure

Vice-Mayor Harris and Members of Council  
Board of Equalization  
Page 2

pc: The Honorable Clifford R. Weckstein, Judge, Twenty-Third Judicial Circuit of Virginia, Roanoke City Courthouse, 315 Church Avenue, S. W., Post Office Box 211, Roanoke, Virginia 24002-0211  
Rutledge W. Robertson, II, Chair, Board of Equalization, 5014 Bruceton Road, S. W., Roanoke, Virginia 24018  
Randolph E. Harrison, Jr., Vice Chair, Board of Equalization, 2311 Westover Avenue, S. W., Roanoke, Virginia 24015  
Sharon L. Ramsey, Secretary, Board of Equalization, 30 W. Franklin Road, S. W., Roanoke, Virginia 24011

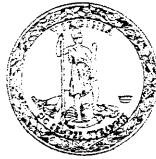


**RECEIVED**

**JUL 2 2003**

**MAYOR'S OFFICE**

**TWENTY-THIRD JUDICIAL CIRCUIT  
OF VIRGINIA**



CLIFFORD R. WECKSTEIN, JUDGE  
ROANOKE CITY COURTHOUSE  
315 CHURCH AVENUE, S. W.  
P. O. BOX 211  
ROANOKE, VIRGINIA 24002-0211  
(540) 853-2435  
FAX (540) 853-1040  
E-MAIL: CLIFFRKE@AOL.COM

CIRCUIT COURT FOR THE COUNTY OF ROANOKE  
CIRCUIT COURT FOR THE CITY OF ROANOKE  
CIRCUIT COURT FOR THE CITY OF SALEM

COMMONWEALTH OF VIRGINIA

**July 1, 2003**

The Honorable Ralph K. Smith, Mayor  
Members of the City Council  
City of Roanoke  
215 Church Avenue, S.W., Room 452  
Roanoke, Virginia 24011-1594

**Annual Report of the Board of Equalization**

My Dear Mayor Smith and Members of Council:

I am enclosing the original Report of the Board of Equalization for the taxable year July 1, 2003 to June 30, 2004. The Board considered 98 appeals (62 residential and 36 commercial and industrial), 36 more appeals than it heard last year.

As you will recall, on December 2, 2002 Council amended City Code § 32-39, to appoint a permanent Board of Equalization, as authorized by Virginia Code § 58.1-3373. Pursuant to the amended City Code provision, the judges of the Circuit Court appointed Sharon L. Ramsey to a three-year term on the Board; Rutledge W. Robertson, II, to a two-year term on the Board; and Randolph E. Harrison, II to a one-year term on the Board. As the terms of these initial appointees expire, their successors will be appointed for three-year terms.

The members of the Board unanimously requested and recommended that the Board's necessary access to computer service continue, and that the Board continue to have separate office space from that occupied by the Office of Real Estate Valuation. It is of course helpful to the Board, and beneficial to citizens who bring their concerns before the Board, for the Board to have use of an office that it is not required to share. The City's administration has provided office space and furniture that, as I understand it, continues to be available for the Board's exclusive use.

The members of the Board expressed their gratitude to and appreciation for Ms. Pat Lamb, who once again served as the Board's clerical secretary. They unanimously expressed gratitude to Will Claytor and the employees of the Office of Real Estate Valuation for their cooperation in supplying property data and meeting with the Board

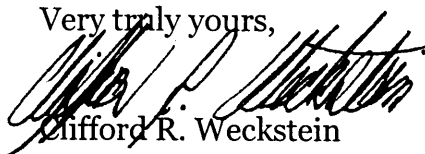
about various properties, and for their accommodating and open attitudes. The Board expressed its trust that similar assistance will be available in the future.

Under Virginia Code § 58.1-3373 and City Code § 32-39, the members of the Board "shall receive such per diem compensation for the time actually engaged in the duties of the board as may be fixed by city council." To the best of my knowledge, that per diem figure, \$100, has not been increased since approximately 1973. This year, appeals heard by the Board increased by 58 % over the number considered for the July 1, 2002 – June 30, 2003 taxable year. The number of commercial and industrial appeals—which the Board reports are more time-consuming, requiring more research—increased from 24 to 36. Recognizing that Council must balance increased needs against decreased revenue, Council might wish to consider whether the per diem figure set some two decades ago represents fair compensation for the diligent efforts of members of the Board of Equalization in performing their vital public function.

It has been a pleasure for me to be able to work with the members of the Board of Equalization, who appear to have carried out their duties with commitment, dedication, and industry. Please let me know if you have any questions or concerns as a result of this report.

I send best regards.

Very truly yours,



Clifford R. Weckstein

cc: Ms. Darlene L. Burcham, City Manager  
William M. Hackworth, Esquire, City Attorney  
Ms. Mary F. Parker, City Clerk  
Mr. Rutledge W. Robertson, Jr., Chairman, Board of Equalization  
Mr. Randolph E. Harrison, Jr., Vice-Chairman, Board of Equalization  
Ms. Sharon L. Ramsey, Secretary, Board of Equalization  
Judges Robert P. Doherty, Jr., Jonathan M. Apgar, James R. Swanson, Charles N. Dorsey, William D. Broadhurst



# City of Roanoke, Virginia

*Received and filed -  
July 1, 2003  
Clifford R. Weckstein,  
Judge*

June 30, 2003

Clifford R. Weckstein  
Judge of the Circuit Court  
City of Roanoke  
Roanoke, Virginia 24011

Dear Judge Weckstein,

We wish to inform you that the Board of Equalization has completed its work for the taxable year July 1, 2003 to June 30, 2004.

The Board received ninety-eight (98) appeals. All properties were inspected with the following results:

- 98 Appeals were considered
- 62 Residential
- 32 Residential Affirmed Value
- 29 Residential Decreased Value
  
- 36 Commercial and Industrial
- 18 Commercial and Industrial Affirmed Value
- 18 Commercial and Industrial Decreased Value
  
- 1 Appeal was withdrawn before inspection

Orders dated June 25, 2003 were mailed on June 27, 2003 informing each property owner of our decision.

Our thanks to the Office of Real Estate Valuation for their cooperation in supplying property data and their time to meet with us on various properties. We trust that this assistance will be available for future Boards.

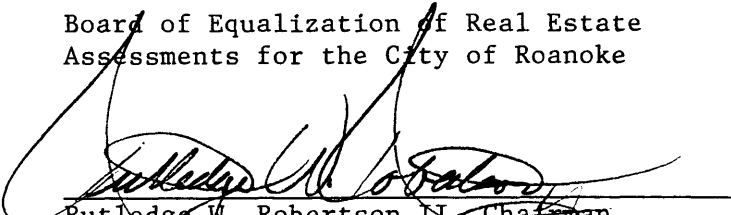
It is recommended that future Equalization Boards continue to have access to the computer service in their work. Also, it is recommended that future Equalization Boards continue to have separate office space from the Office of Real Estate Valuation.

The Honorable Clifford R. Weckstein  
Page 2  
June 30, 2003


Should you have any questions, please contact us.

Very truly yours,

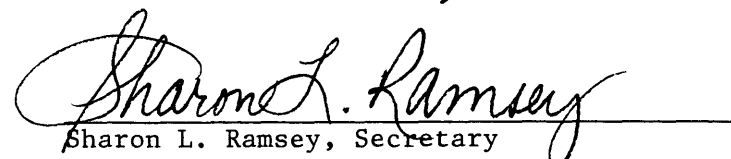
Board of Equalization of Real Estate  
Assessments for the City of Roanoke



Rutledge W. Robertson II, Chairman



Randolph E. Harrison, Jr., Vice-Chairman



Sharon L. Ramsey, Secretary

RWR/pl



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 21, 2003

The Honorable Ralph K. Smith, Mayor, and Members of City Council  
Roanoke, Virginia

Subject: Request for Closed Meeting

Dear Mayor Smith and Members of Council:

This is to request that City Council convene a closed meeting to discuss the terms of a contract in negotiation, pursuant to §2.2-3711 (A)(30), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in dark ink, appearing to read "Darlene L. Burcham", is written over a horizontal line.

Darlene L. Burcham  
City Manager

DLB:f

c: William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk



**RALPH K. SMITH**  
Mayor

# CITY OF ROANOKE

## CITY COUNCIL

215 Church Avenue, S.W.  
Noel C. Taylor Municipal Building, Room 456  
Roanoke, Virginia 24011-1536  
Telephone: (540) 853-2541  
Fax: (540) 853-1145

**Council Members:**  
William D. Bestpitch  
M. Rupert Cutler  
Alfred T. Dowe, Jr.  
Beverly T. Fitzpatrick, Jr.  
C. Nelson Harris  
Linda F. Wyatt

July 21, 2003

The Honorable Vice-Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

We jointly sponsor a request of Brian J. Wishneff, representing Citizens for a Sensible Stadium, to present issues of concern regarding Victory Stadium at the regular meeting of City Council on Monday, July 21, 2003, at 2:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith".

Ralph K. Smith  
Mayor

A handwritten signature in black ink, appearing to read "Linda F. Wyatt".

Linda F. Wyatt  
Council Member

RKS:LFW:sm

pc: Darlene L. Burcham, City Manager



**CITY OF ROANOKE  
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
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Telephone: (540) 853-2333

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CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 21, 2003

The Honorable Mayor  
and Members of City Council  
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Brenda Powell, President of Fair Housing Board, in which she will be presenting accomplishments of the board at the regular meeting of City Council on Monday, July 21, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham", is written over a horizontal line.

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
Director of Finance  
City Clerk



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

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CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Application for Certified Local  
Government Program of the Virginia  
Department of Historic Resources

### Background:

The Certified Local Government Program (CLG) establishes a partnership between local governments, the federal historic preservation program, and the Virginia Department of Historic Resources (VDHR). The program allows VDHR to certify local governments for their preservation program in exchange for future funding opportunities.

The goals of Virginia's CLG program are to promote viable communities through preservation, recognize and reward communities with sound local preservation programs, and establish credentials of quality for local preservation programs. Twenty-four local governments in Virginia currently have CLG status, including the Cities of Alexandria, Charlottesville, Lynchburg, Richmond, Williamsburg, and Winchester.

Acceptance into the CLG program makes localities eligible to apply for grants that can be used for a variety of purposes. Grants are typically on a 50/50 match basis. Grants can be used for survey and nomination of historic areas or properties, preservation planning, public education programs, training, and rehabilitation of historic public buildings. Should the City apply for and be awarded any such grants in the future, local match funding would have to be identified.



Considerations:

Listing on the National Register of Historic places is an economic development and revitalization tool because of the rehabilitation tax credits that are available. Many areas of the City may be eligible for listing on the National Register, but need to be surveyed and nominated. The CLG program would make grant money available for an ongoing historic survey program in Roanoke.


The **Vision 2001-2020 Comprehensive Plan** supports the survey and nomination of historic districts. It recommends that Roanoke undertake a comprehensive inventory of historic properties and areas in the City and consider historic districts. The plan further recommends that neighborhood and stakeholder input be considered in the inventories, and the city should promote local, state and federal incentives to encourage rehabilitation of historic districts.

Roanoke's current program meets the requirements for becoming a Certified Local Government. No change in the city code, policies, or practices is required. To maintain Certified Local Government Status, an annual report on activities to the Virginia Department of Historic Resources is required.

Recommendation:

Adopt a resolution authorizing the City Manager to apply for acceptance into the Certified Local Government Program and to execute documents related to the application.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DB:aw

Attachment

c: Jesse A. Hall, Director of Finance  
William M. Hackworth, City Attorney  
Rolanda B. Russell, Assistant City Manager for Community Development  
R. Brian Townsend, Director, Planning Building & Development  
Steven J. Talevi, Assistant City Attorney

CM03-00131

## IN THE COUNCIL FOR THE CITY OF ROANOKE, VIRGINIA,

SST  
7/17/03

A RESOLUTION authorizing the City Manager to apply for acceptance into the Certified Local Government Program of the Virginia Department of Historic Resources; and to take other related actions as necessary.

WHEREAS, the Certified Local Government Program ("CLGP") of the Virginia Department of Historic Resources establishes a partnership between local governments, the federal historic preservation program, and the Virginia Department of Historic Resources ("VDHR"), to promote viable communities through preservation, recognize and reward communities with sound local preservation programs, and to establish credentials of quality for local preservation programs;

WHEREAS, acceptance of the City of Roanoke in the CLGP would make the City eligible to apply for grants, typically on a 50/50 match basis, which can be used for a variety of purposes;

WHEREAS, acceptance of the City of Roanoke in the CLGP would make grant money available for an ongoing historic survey program in the City needed for listing structures on the National Register of Historic Places;

WHEREAS, listing structures on the National Register of Historic Places is an economic development and revitalization tool because rehabilitation tax credits are available;

WHEREAS, Vision 2001-2020, the City's Comprehensive Plan, supports the survey and recommends that the City undertake a comprehensive inventory of historic properties and areas in the City, consider the creation of additional historic districts, and promote local, state and federal incentives to encourage rehabilitation of historic districts; and

WHEREAS, the City's current program meets the requirements for becoming a Certified Local Government.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk, are hereby authorized, for and on behalf of the City, to execute and attest, respectively, the necessary documents to apply for acceptance into the Certified Local Government Program, as recommended in the City Manager's letter dated July 21, 2003, to this Council, and to take other related actions as necessary.
2. The form of all documents executed by the City Manager shall be in form approved by the City Attorney.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Juvenile Accountability Incentive  
Block Grant Award

Background:

The Department of Criminal Justice Services notified Roanoke and Roanoke County of an allocation of funds under the Juvenile Accountability Incentive Block Grant Program (JAIBG). The allocation of \$48,493 in federal funds was awarded jointly to the two jurisdictions. A joint local match of \$5,388 is required.

Considerations:

The allocation formula provides \$34,706 federal and \$3,856 match for Roanoke and \$13,787 federal and \$1,532 match for Roanoke County. Staff from the jurisdictions have met and developed program proposals for the use of the funding. Roanoke County will provide a substance abuse intervention education program through the schools. Roanoke, in collaboration with the Boys & Girls Club, will provide services to students suspended or otherwise absent from school during the day.

Funding for the City's match of \$3,856 is in Account No. 001-631-3330-1002, Outreach Detention. Roanoke will serve as the fiscal agent for the funds.

Recommended Action:

Authorize the City Manager or her designee to accept the \$48,493 JAIBG grant allocated to Roanoke for \$34,706, and Roanoke County for \$13,787 and to execute the agreement from the Department of Criminal Justice Services for the funds.

Appropriate \$53,851 and increase the corresponding revenue estimates of \$48,493 in federal funds and \$1,532 in County match funds in accounts to be established by the Director of Finance in the Grant Fund and transfer \$3,856 from Outreach Detention account 001-631-3330-1002 to the Grant Fund account established above.

Respectfully submitted,



Darlene L. Burcham  
City Manager

VLP:tem

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Barry L. Key, Director of Management and Budget  
John M. Chambliss, Jr., Assistant County Administrator  
Vickie L. Price, Acting Director of Human Services  
Rolanda B. Russell, Assistant City Manager for Community Development

#CM03-00136

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 General and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**General Fund**

**Appropriations**

Public Safety	\$ 49,686,434
Outreach Detention (1) .....	220,521
Nondepartmental	\$ 73,739,633
Transfer of Other Funds (2) .....	71,385,002

**Grant Fund**

**Appropriations**

Health and Welfare	\$ 4,589,165
Juvenile Accountability Incentive Block Grant - City FY04 (3) .....	38,562
Juvenile Accountability Incentive Block Grant - County FY04 (4) .....	15,319

**Revenues**

Health and Welfare	\$ 4,589,165
Juvenile Accountability Incentive Block Grant - City FY04 (5-6) .....	38,562
Juvenile Accountability Incentive Block Grant - County FY04 (7-8) .....	15,319

1) Regular Employee		
Salaries	(001-631-3330-1002)	\$( 3,856)
2) Transfer to Grant Fund	(001-250-9310-9535)	3,856
3) Fees for Professional		
Services	(035-630-5058-2010)	38,562
4) Fees for Professional		
Services	(035-630-5059-2010)	15,319
5) State Grant Receipts	(035-630-5058-5058)	34,706
6) Local Match	(035-630-5058-5059)	3,856
7) State Grant Receipts	(035-630-5059-5060)	13,787
8) Local Match	(035-630-5059-5061)	1,532

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of a Juvenile Accountability Incentive Block Grant from the Virginia Department of Criminal Justice Services on behalf of the City, authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

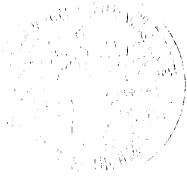
BE IT RESOLVED by the Council of the City of Roanoke that:

1. The Juvenile Accountability Incentive Block Grant funds from the Virginia Department of Criminal Justice Services, in the amount of \$48,493.00, as set forth in the City Manager's letter, dated July 21, 2003, to this Council are hereby ACCEPTED.
2. The City Manager, or her designee, is hereby authorized to execute any and all requisite documents pertaining to the City's acceptance of these grant funds, and to furnish such additional information as may be required in connection with the City's acceptance of these grant funds. All documents shall be approved by the City Attorney.

ATTEST:

City Clerk.





# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
 215 Church Avenue, S.W., Room 364  
 Roanoke, Virginia 24011-1591  
 Telephone: (540) 853-2333  
 Fax: (540) 853-1138  
 CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 21, 2003

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable Dr. M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Virginia Commission for the Arts –  
 Local Government Challenge Grant

### Background:

Notification has been received from the Commonwealth of Virginia Commission for the Arts that a \$5,000 Local Government Challenge Grant has been awarded to the City of Roanoke. Application for the grant was made at the request of the Arts Council of Roanoke Valley, Mill Mountain Theatre, Opera Roanoke, Roanoke Symphony Orchestra, and Young Audiences of Virginia.

### Considerations:

In order to receive these funds, the Commission must obtain written confirmation that local tax revenue dollars will be used to match or exceed the amount of the grant. For Fiscal Year 2003-04, the organizations listed previously will receive local tax dollar funding through the Roanoke Arts Commission in the amounts shown below:

• Arts Council of Blue Ridge	\$13,165
• Mill Mountain Theatre	11,665
• Opera Roanoke	7,966
• Roanoke Symphony Orchestra	26,865
• Young Audiences of Virginia	3,966

The grant funds will be distributed to the five sponsoring agencies in the amount of \$1,000 each.

Recommended Action(s):

Authorize the City Manager to execute the necessary documents, including such documents that provide for indemnification by the City, that are required for acceptance of this grant. All documents shall be on form approved by the City Attorney.

Appropriate \$5,000 in state grant funds and establish a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund entitled "Challenge Grant FY 04".

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:vst

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Barry L. Key, Director of Management & Budget

#CM03-00148

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Parks, Recreation and Cultural	\$	245,516
Challenge Grant FY04 (1) .....		5,000

**Revenues**

Parks, Recreation and Cultural	\$	245,516
Challenge Grant FY04 (2) .....		5,000

1) Subsidies	(035-410-8738-3700)	\$ 5,000
2) Challenge Grant FY04	(035-410-8738-8738)	5,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a Local Government Challenge Grant from the Virginia Commission for the Arts.

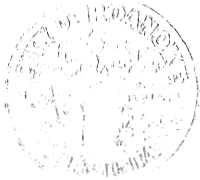
BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke accepts a Local Government Challenge Grant from the Virginia Commission for the Arts in the amount of \$5,000.00 to be used for funding local organizations, as more particularly set forth in the City Manager's letter to this Council dated July 21, 2003.

2. The City Manager, or the Assistant City Manager, is hereby authorized to execute any and all requisite documents, upon form approved by the City Attorney, and to furnish such additional information as may be required in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**

## **OFFICE OF THE CITY MANAGER**

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July 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Adoption of the Workforce  
Investment Area III Chief Local  
Elected Officials Charter  
Agreement

### Background:

The proposed Workforce Investment Area III Chief Local Elected Officials Charter Agreement would replace the existing agreement continuing the Fifth District Employment and Training Consortium. The purpose of the prior local governmental agreement between the participating jurisdictions was for the administration of the Workforce Investment Act (WIA) through the continuation of the Fifth District Employment and Training Consortium (FDETC), an agency established to provide administrative and programmatic oversight of regional workforce development initiatives.

Since that time, the FDETC has closed its doors and the jurisdictional membership was changed when Clifton Forge voted to join Alleghany County.

### Considerations:

- The existing Agreement should be replaced with a document that accurately reflects the current situation, the dissolution of the FDETC and the revised membership. (Attachment A)

Honorable Mayor and Members of City Council  
July 21, 2003  
Page 2

- Federal WIA regulations allow the reconfiguration of service delivery areas to reflect and accommodate regional priorities and alliances such as the addition of Clifton Forge to Alleghany County.

Recommended Action:

Authorize adoption and subsequent execution by the Mayor of the Workforce Investment Area III Chief Local Elected Officials Charter Agreement to reflect the changes noted above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene Burcham". The signature is fluid and cursive, with the first name "Darlene" and last name "Burcham" clearly distinguishable.

Darlene L. Burcham  
City Manager

VLP:tem

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Barry L. Key, Director of Management and Budget  
Vickie L. Price, Acting Director of Human Services  
Rolanda B. Russell, Assistant City Manager for Community Development

#CM03-00153

**Workforce Investment Area III  
Chief Local Elected Officials Charter Agreement**

**PURPOSE OF THE AGREEMENT:**

In accordance with the Workforce Investment Act (WIA), herein referred to as the ACT, the mayors of the cities of Covington, Roanoke, and Salem, the Chairmen of the Board of Supervisors of the counties of Alleghany, Botetourt, Craig, Franklin, and Roanoke, hereafter referred to as the Chief Local Elected Officials (CLEO), enter into this agreement to continue to work together through a consortium to be called the Workforce Investment Area III Chief Local Elected Officials Consortium (hereinafter, the Consortium). The purpose of the Consortium is to implement activities pursuant to the Act [Section 117 (c)(1)(B)(i)(ii)] in the Western Virginia Workforce Development Area III by executing an agreement that specifies the role of the individual Chief Local Elected Officials, appointing the Western Virginia Workforce Development Board (WDB), and carrying out any other responsibilities assigned to such officials under this subtitle.

The Consortium hereby agree to work together according to the provisions of the WIA and the Federal Regulations (Regulations) as issued by the United States Secretary of Labor for the implementation of terms of this agreement certifying by their signatures that they possess full legal authority, as provided by state and local authority, as provided by state and local statutes or ordinances, to enter into this agreement.

In cooperation with the WDB, the Consortium shall work to ensure success of the programs operated under the ACT and that all programs, procedures, and activities comply with all regulations and the local plan.

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2003, by and between the jurisdictions of:

The City of Covington	The County of Botetourt
The City of Roanoke	The County of Craig
The City of Salem	The County of Franklin
The County of Alleghany	The County of Roanoke

In the Commonwealth of Virginia (hereinafter, the Jurisdictions):

**WITNESSETH:**

WHEREAS, the County Board of Supervisors/City Council of the aforementioned jurisdictions did previously adopt resolutions authorizing the County Board Chairperson/City Mayor to sign a charter creating the Workforce Investment Area III Chief Local Elected Officials Consortium in order to administer the provisions of Public Law 105-220, the Federal Workforce Investment Act, and

WHEREAS, the County Board of Supervisors/City Council of each of the aforementioned jurisdictions has adopted a resolution authorizing the County Board Chairperson or City Mayor to sign this Charter of the Workforce Investment Area III Chief Local Elected Officials Consortium under the Workforce Investment Act (P.L. 105-220) (hereinafter, the "Charter"):

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the parties hereinafter set forth, the receipt and each party acknowledges sufficiency of which for itself, the Jurisdictions do hereby agree to the following Charter:

**AGREEMENT**

**SECTION 1:** That the Jurisdictions of

The City of Covington	The County of Botetourt
The City of Roanoke	The County of Craig
The City of Salem	The County of Franklin
The County of Alleghany	The County of Roanoke

Do hereby constitute themselves to be a "Consortium" for the purposes of Section 117 (c)(1)(B) of Public Law 105-220, the Workforce Investment Act.

**SECTION 2:** The chief local elected officials (the chairpersons of the County Board of Supervisors or City Mayor) or the designees of said officials of the jurisdictions shall constitute the Workforce Investment Area III Chief Local Elected Officials Consortium, which shall appoint the Local Workforce Investment Board under Section 117 (c) (1) (B) of the Act.

**SECTION 3:** The Consortium shall elect from its membership a Chairperson, a Vice-Chairperson, and such other officers as may be provided for in the bylaws to serve for a term of one year or until a successor is elected and qualified. Vacancies shall be filled by election for the remainder of the unexpired term. The Chairperson may appoint a staff person to serve as a board clerk.

**SECTION 4:** Roberts Rules of Order, Newly Revised, shall govern the procedures of the Consortium insofar as they do not conflict with applicable law, or administrative rules and/or bylaws duly adopted by the Consortium.

**SECTION 5:** The Consortium may adopt operational and procedural bylaws consistent with this Charter, applicable federal and state laws, and rules or regulations pursuant thereto. Bylaws or amendments thereto may be adopted by a simple majority vote of members present at any regular meeting called for that purpose, provided that written copies thereof are delivered to each member fifteen days prior to consideration.

**SECTION 6:** The Consortium shall perform all functions for local elected officials contained in P.L. 105-220, the Federal Workforce Investment Act as described in Section 117. The Consortium's responsibilities shall include, but are not limited to:

1. Appointment of all members to the Western Virginia Workforce Development Board.
2. Initial development of Bylaws for the Western Virginia Workforce Development Board operations.
3. Through designation of a Grant Recipient and Fiscal Agent will:
  - a. Receive funding;
  - b. Account for funding;
  - c. Function as the program administrative entity; and
  - d. Provide for staffing of both the CLEO Consortium and the Workforce Development Board.
4. Will insure appropriate auditing of program funds.
5. Will approve the Workforce Investment Act and other appropriate funding source budget(s) of the Western Virginia Workforce Development Board.
6. In cooperation with the Western Virginia Workforce Development Board, the CLEO Consortium will perform the following partner functions:
  - a. Develop the local 5-year plan;
  - b. Negotiate local performance standards with the Governor;
  - c. Appoint the Youth Council;
  - d. Designate or certify local One-Stop Operators
  - e. Provide agreement for Memorandums of Understanding with One-Stop Partners; and
  - f. Conduct oversight of the One-Stop Delivery System

**SECTION 7:** The Consortium will approve a budget for the Western Virginia Workforce Development Board and shall support the Western Virginia Workforce Development Board in the performance of the partner functions as defined in the agreement between the Consortium and the WDB.

**SECTION 8:** The Consortium designates from its membership the local government jurisdiction of the City of Roanoke to serve as the grant recipient and the WDB to serve as the fiscal agent for Title I funds of the WIA.

**SECTION 9:** The parties acknowledge that they are accountable to the Governor of the Commonwealth of Virginia for the Acts of the CLEO Consortium and the WVBDB and for the performance of any subcontractors. The parties acknowledge the authority of the CLEO Consortium to monitor, evaluate and take corrective action concerning performance specified in the Job Training Plan and contracts or agreements negotiated pursuant thereto. The parties to this Agreement, to the extent consistent with applicable law, certify acceptance of the responsibility for the total management, operation and compliance with all applicable laws and regulations. Any financial or legal liability of the CLEO Consortium shall be shared on the same pro rata basis as the population, per the most recent United States Census.



**SECTION 10:** The Consortium shall appoint the Local Workforce Investment Board (Western Virginia Workforce Investment Board) Area III, under Section 117 (c) (1) (A) of P.L. 105-220 and applicable rules thereunder. The Consortium will comply with local Workforce Investment Board requirements as contained in Virginia Employment Commission Policy Number 99-2, "Establishment of Local Workforce Investment Boards" effective November 19, 1999.

**SECTION 11:** The Consortium shall execute an agreement with the Western Virginia Workforce Development Board for the operation and functions of the Board under Section 117 of the Workforce Investment Act, and shall approve all Local Plans under Section 118 of the Act.

**SECTION 12:** This Charter agreement shall be effective when approved by Resolutions adopted by the County Board of Supervisors/City Council of each jurisdiction party hereto and executed by the chief elected official thereof pursuant to said resolution. This serves to repeal and supersede any and all prior written or oral consortium agreements under P.L. 102-357, the Job Training Partnership Act, effective 7/1/2000.

**SECTION 13:** Amendments to the Charter agreement may be adopted with the concurrence of the Board of Supervisors/City Council of each jurisdiction party hereto. The Consortium may be dissolved and this agreement may be rescinded only with the consent of all the Boards of Supervisors/City Councils of each jurisdiction party hereto and the Governor.

**IN WITNESS WHEREOF, the parties hereto have caused this Charter Agreement to be executed by the Chairperson of the County Board of Supervisors or the City Mayor of the aforementioned jurisdictions.**

\_\_\_\_\_  
Date \_\_\_\_\_  
Temple L. Kessinger, Jr., Mayor, The City of Covington

\_\_\_\_\_  
Date \_\_\_\_\_  
Ralph Smith, Mayor, The City of Roanoke

\_\_\_\_\_  
Date \_\_\_\_\_  
Carl E. Tarpley, Jr., Mayor The City of Salem

\_\_\_\_\_  
Date \_\_\_\_\_  
Rickey May, Chair, Board of Supervisors, The County of Alleghany

\_\_\_\_\_  
Date \_\_\_\_\_  
Stephen P. Clinton, Chair, Board of Supervisors, The County of Botetourt

\_\_\_\_\_  
Date \_\_\_\_\_  
Lyndell Keffer, Chair, Board of Supervisors, The County of Craig

\_\_\_\_\_  
Date \_\_\_\_\_  
W. Wayne Angell, Chair, Board of Supervisors, The County of Franklin

\_\_\_\_\_  
Date \_\_\_\_\_  
Joseph McNamara, Chair, Board of Supervisors, The County of Roanoke

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing adoption of the Workforce Investment Area III Chief Local Elected Officials Charter Agreement to replace the existing Fifth District Employment and Training Consortium Agreement and authorizing the Mayor to execute such Agreement, upon certain terms and conditions.

WHEREAS, the administration of the Workforce Investment Act ("WIA") was administered through the continuation of the Fifth District Employment and Training Consortium ("FDETC"), an agency established to provide administrative and programmatic oversight of regional workforce development initiatives;

WHEREAS, the FDETC was dissolved on June 30, 2003;

WHEREAS, the jurisdictional membership of the WIA has changed since the Town of Clifton Forge joined the jurisdiction of Alleghany County;

WHEREAS, Federal WIA regulations allow the reconfiguration of service delivery areas to reflect and accommodate regional priorities and alliances such as the Town of Clifton Forge joining Alleghany County; and

WHEREAS, the Workforce Investment Area III Chief Local Elected Officials Charter Agreement would replace the FDETC agreement and reflect the dissolution of the FDETC and the reconfiguration of service delivery areas.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that Council adopts the Workforce Investment Area III Chief Local Elected Officials Charter

Agreement and the Mayor is hereby authorized to execute any and all requisite documents relating to the Workforce Investment Area III Chief Local Elected Officials Charter Agreement, upon form approved by the City Attorney, as more particularly set out in the report to the City Manager's letter to this Council dated July 21, 2003.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364

Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

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CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 21, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Appropriation of Regional  
Disability Services Board Grant  
Funding – Family Services of  
Roanoke Valley CM03-00149

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
City Clerk  
Director of Finance

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Health and Welfare	\$	4,550,284
Fifth District Disability - Family Services FY04 (1).....		15,000

**Revenues**

Health and Welfare	\$	4,550,284
Fifth District Disability - Family Services FY04 (2).....		15,000

- |  |                     |           |
|--|---------------------|-----------|
| 1) Fees for Professional Services              | (035-630-5276-2010) | \$ 15,000 |
| 2) State Grant Receipts - Family Services FY04 | (035-630-5276-5276) | 15,000    |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**

## **OFFICE OF THE CITY MANAGER**

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July 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable Beverly Fitzpatrick, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Virginia Derelict  
Structures Fund and Agreement With Blue  
Ridge Housing Development  
Corporation

### Background:

On August 7, 2000, Roanoke City Council authorized the City Manager, by resolution, to apply to the Virginia Department of Housing and Community Development for \$100,000 for the Derelict Structures Fund grant on behalf of the Northwest Neighborhood Environmental Organization and Two B Investments. Funds may be utilized for acquisition, demolition, removal, rehabilitation or repair of specific, targeted derelict structures. A 100% match of local funds is required. Funds were awarded and the funding agreement was executed between the City and the Department of Housing and Community Development on May 29, 2001. The Northwest Neighborhood Environmental Organization has expended their \$50,000 allocation. Due to unforeseen issues, Two B Investments was unable to utilize the funds as required in a timely manner. Therefore the City of Roanoke has \$50,000 in unexpended funds available.

### Considerations:

At this time Blue Ridge Housing Development Corporation ("Blue Ridge"), a local non-profit housing group, is desirous of utilizing the remaining \$50,000 to renovate the property located at 1018 Jamison Avenue. This property is located in our Southeast...

by Design neighborhood. The house was built in 1900, has 2,793 square feet and is currently vacant. The property is vacant and in poor condition and has had some partial gutting on the inside of the structure. Proposed redevelopment includes gutting, interior and exterior rehabilitation, electrical and plumbing upgrades, HVAC and emergency upgrades, and water and sewer upgrades. Blue Ridge can immediately begin work on the property and use it as a showcase property to market the Southeast project. It was last used as a 4-unit residence and the renovations would convert it back to a duplex featuring the ability to live in one side and rent out the other side. Blue Ridge is committing \$70,000 from its own line of credit, and in partnership with TAP will commit another \$30,000 in private funds for match.

Recommendation:

Approve allocating the remaining \$50,000 Derelict Structures Fund grant to Blue Ridge on a reimbursement basis, and authorize the City Manager to execute an agreement between the City of Roanoke and Blue Ridge.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB/dwm

C: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Mike Etienne, Director of Housing and Neighborhood Services  
Barry L. Key, Director of Management and Budget

#CM03-00152

## AGREEMENT

This Agreement is made and entered into this \_\_\_\_\_ Day of \_\_\_\_\_, by and between the following parties:

The Grantee	City of Roanoke, Virginia 215 Church Avenue SW Roanoke, Virginia 24011
-------------	--

The Subgrantee	Blue Ridge Housing Development Corporation P.O. Box 11683 510 11 <sup>th</sup> Street, NW Roanoke, Virginia 24022
----------------	--

## WITNESSETH:

WHEREAS, by Resolution No. 35005-080700, the Roanoke City Council approved the execution of a grant agreement with the Virginia Department of Housing and Community Development for an allocation of funds from the Virginia Derelict Structures Fund (DSF); and

WHEREAS, by Resolution No. \_\_\_\_\_, the Roanoke City Council approved the execution of a subgrant agreement between the Grantee and the Subgrantee to support the renovation of the building at 1018 Jamison Avenue in the City of Roanoke;

NOW, THEREFORE, the parties hereto mutually agree as follows:

### I. RENOVATION PROJECT

- (a) General -- The Subgrantee shall undertake the complete renovation of the building located at 1018 Jamison Avenue, generally according to plans approved by the Grantee's Department of Housing and Neighborhood Services and in compliance with the Virginia Uniform Statewide Building Code. The Subgrantee shall renovate and use the building consistent with the application for the Derelict Structures Fund the Grantee submitted to the Virginia Department of Housing and Community Development in August 2000.
- (b) Regulatory Compliance -- The Subgrantee or the Subgrantee's contractor(s) shall obtain required permits prior to the beginning of renovations. Any use of the property shall be in conformance with Certificates of Occupancy issued by the Grantee, the Grantee's zoning and land use requirements, and all other applicable regulations of the Grantee.



- (c) Period of this Agreement -- This Agreement shall be effective immediately upon its execution by both parties, and, unless amended or terminated, shall end the earlier of July 1, 2004, or disbursement of all funds to the Subgrantee by the Grantee.
- (d) Schedule -- The Subgrantee shall continue substantive work toward completion of renovation. Such work may include demolition of parts of the building preparatory to renovation or replacement of those parts. The Subgrantee shall complete renovations and obtain Certificates of Occupancy by July 1, 2004.

The Subgrantee shall submit required documentation of costs claimed for reimbursement from the Grantee by January 30, 2004.

- (e) Renovation costs -- Projected costs of the property's redevelopment are:

Property Address	Subgrantee's Cost/Match	DSF Grant	Total Rehab Cost	Reimbursable DSF Funds
1018 Jamison Ave.	\$100,000	\$50,000	\$150,000	\$50,000

Funds reimbursed to the Subgrantee by the Grantee from Virginia Derelict Structures Fund require a matching amount of funds in the project. The Subgrantee shall provide satisfactory documentation to the Grantee that the total of the renovation costs of the property, including predevelopment costs, architectural and engineering costs, and necessary legal costs associated with the renovation, is not less than 200% of the reimbursable amount shown in the table above. Such documentation shall be in a form acceptable to the Grantee, such as bills or invoices due, receipts for payments made, or copies of canceled checks used to pay for project activities.

- (f) Regulations of the Derelict Structures Fund -- The Subgrantee agrees to abide by all regulations, requirements and conditions set forth by the Department of Housing and Community Development for use of the Derelict Structures Fund. The Subgrantee agrees to provide reasonable access to the project, and records pertaining thereto, by staff of the Grantee and the Department of Housing and Community Development to verify progress and completion of the project in accordance with the Derelict Structures Fund program and this agreement.
- (g) At all times during the renovation, the Subgrantee shall comply with all applicable federal, state, and local laws, ordinances and regulations.

## II. REIMBURSEMENT OF EXPENSES

- (a) Form of Subsidy -- The total amount to be reimbursed to the Subgrantee by the Grantee from the Derelict Structures Fund under this Agreement is \$50,000. The subsidy will be in the form of a grant of funds for reimbursement of eligible expenses. As funds will be released to the Subgrantee for expenses incurred or paid, no deed of trust or other encumbrance will be placed upon the property by the Grantee as the result of this agreement.
- (b) Claims for Reimbursement of Expenses -- The Subgrantee shall submit to the Grantee's Department of Housing and Neighborhood Services documentation of project expenses showing costs incurred or paid since the inception of the project. Such documentation shall be in a form acceptable to the Grantee, such as bills or invoices due, receipts for payments made, or copies of canceled checks used to pay for project activities. The request for reimbursement shall indicate the total of project expenses and the amounts, itemized by purpose, claimed for reimbursement from the Grantee. All documentation of costs claimed for reimbursement from the Grantee must be submitted to the Grantee by January 30, 2004.
- (c) Payment of Reimbursement -- Upon receipt of satisfactory documentation as described above, the Grantee shall reimburse the eligible expenses to the Subgrantee within thirty (30) days of receipt of the request and documentation.

## III. THIRD-PARTY CONTRACTS

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee.

## IV. INSURANCE

- (a) Requirement of insurance. Blue Ridge Housing Development Corporation ("BRHDC") shall, at its sole expense, obtain and maintain during the life of this Agreement the insurance policies and bonds required by this section. Any required insurance policies and bonds shall be effective prior to the beginning of any work or other performance by BRHDC under this Agreement. The following policies and coverages are required:
  - (1) Commercial General Liability. Commercial general liability insurance shall insure against all claims, loss, cost, damage, expense or liability from loss of life or damage or injury to persons or property

arising out of the BRHDC's performance under this Agreement. The minimum limits of liability for this coverage shall be \$1 million combined single limit for any one occurrence.

(2) Contractual Liability. Broad form contractual liability insurance shall include the indemnification obligation set forth in section VI of this Agreement.

(3) Workers' Compensation. Workers' compensation insurance covering BRHDC's statutory obligation under the laws of the Commonwealth of Virginia and employer's liability insurance shall be maintained for all its employees engaged in work under this Agreement. Minimum limits of liability for employer's liability shall be one hundred thousand dollars and no cents (\$100,000.00) bodily injury by accident each occurrence; five hundred thousand dollars and no cents (\$500,000.00) bodily injury by disease (policy limit); and one hundred thousand dollars and no cents (\$100,000.00) bodily injury by disease (each employee). With respect to workers' compensation coverage, the BRHDC's insurance company shall waive rights of subrogation against the City, its officers, employees, agents, volunteers and representatives.

(4) Automobile Liability. The minimum limit of liability for automobile liability insurance shall be \$350,000 combined single limit applicable to owned or non-owned vehicles used in the performance of any work under this Agreement.

(5) Tenant's insurance. [optional if a lease]. Tenant shall, at its sole cost and expense, obtain and maintain during the life of this Lease a property insurance policy written on an "all risk" basis insuring all of tenant's personal property, including, but not limited to, equipment, furniture, fixtures, furnishings, and leasehold improvements which are Tenant's responsibility, for not less than full replacement cost of such property. All proceeds of such insurance shall be used to repair or replace tenant's property.

(6) Umbrella Coverage. The insurance coverages and amounts set forth in subsections (a), (b), and (c) of this section may be met by an umbrella liability policy following the form of the underlying primary coverage in a minimum amount of \$1 million. Should an umbrella liability insurance coverage policy be used, such coverage shall be

accompanied by a certificate of endorsement stating that it applies to the specific policy numbers indicated for the insurance providing the coverages required by subsections (a), (b), and (c), and it is further agreed that such statement shall be made a part of the certificate of insurance furnished by BRHDC to this City.

(7) Evidence of Insurance. All insurance shall meet the following requirements:

1. Prior to execution of this Agreement, BRHDC shall furnish the City a certificate or certificates of insurance showing the type, amount, effective dates and date of expiration of the policies. Certificates of insurance shall include any insurance deductibles. Such certificates shall be attached to this Agreement at the time of execution of this Agreement and shall be furnished in a timely fashion to demonstrate continuous and uninterrupted coverage of all of the required forms of insurance for the entire term of this Agreement.
2. The required certificate or certificates of insurance shall include substantially the following statement: "The insurance covered by this certificate shall not be canceled or materially altered, except after thirty (30) days written notice has been received by the Risk Management Officer for the City of Roanoke."
3. The required certificate or certificates of insurance shall name the City of Roanoke, its officers, employees, agents, volunteers and representatives as additional insureds.
4. Where waiver of subrogation is required with respect to any policy of insurance required under this section, such waiver shall be specified on the certificate of insurance.
5. Insurance coverage shall be in a form and with an insurance company approved by the City which approval shall not be unreasonably withheld. Any insurance company providing coverage under this

Agreement shall be authorized to do business in the Commonwealth of Virginia.

- (b) Ranges and Limits. At the end of one year, the City shall have the right to require increases in the amounts of insurance specified above. Any adjustments shall bear a reasonable relation to any change in the cost of living or cost of repair or replacement, as measured by changes in the consumer Price Index of the United States Bureau of Labor Statistics applicable to the Commonwealth of Virginia or comparable measure if the Consumer Price Index is no longer being issued.
- (c) Bond. Contractor shall post and maintain for the life of this Agreement a performance bond in favor of the City in the amount of \$N/A. The bond shall be issued by a bonding company approved by the City and shall be conditioned upon BRHDC's full and punctual performance of BRHDC's obligations and undertakings under this Agreement.

#### V. TERMINATION OF AGREEMENT

In the event the Subgrantee materially fails to comply with any term of this Agreement, including failure to continue substantive work toward completion as determined in the sole discretion of the Grantee, the Grantee may suspend or terminate, in whole or in part, this Agreement with 15 days written notice to the Subgrantee.

#### VI. INDEMNITY

The Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep and hold the Grantee and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of the Subgrantee including: (a) the Subgrantee's use of the streets or sidewalks of the Grantee or other public property; (b) the performance under this Agreement; (c) the exercise of any right or privilege granted by or under this Agreement; or (d) the failure, refusal or neglect of the Subgrantee to perform any duty imposed upon or assumed by the Subgrantee by or under this Agreement. In the event that any suit or proceeding shall be brought against the Grantee or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with the Subgrantee on account thereof, the Subgrantee, upon notice given to it by the Grantee or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the Grantee or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event

of any settlement or any final judgement being awarded against the Grantee or any of its officers, employees, agents, volunteers or representatives, either independently or jointly with the Subgrantee, then the Subgrantee will pay such settlement or judgement in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the Grantee or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

The Subgrantee shall maintain liability insurance with a quality company, issued by a company licensed to transact business in this state, during the life of the Agreement and shall furnish the City with a Certificate of Insurance which shall name the City, its officers, agents and employees as additional insureds, providing coverage against any and all claims and demands made by any person or persons whomsoever for property damages or bodily injury (including death) incurred in connection with the services to be provided under this Agreement.

#### VII. INDEPENDENT CONTRACTOR

Services performed under this Agreement shall be performed on an independent contractor basis and under no circumstances shall this agreement be construed as establishing an employee/employer relationship. The Subgrantee shall be completely responsible for its activities in performing services hereunder.

#### VIII. NONDISCRIMINATION

1. During the performance of this contract, the Subgrantee agrees as follows:

(1) The Subgrantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Subgrantee. The Subgrantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

(2) The Subgrantee, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, will state that such Subgrantee is an equal opportunity employer.

(3) Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

2. The Subgrantee will include the provisions of the foregoing subparagraphs A 1, 2 and 3 in every subcontract or purchase order of over ten thousand

dollars (\$10,000), so that the provisions will be binding upon each subcontractor or vendor.

IX. DRUG-FREE WORKPLACE

1. During the performance of this contract, the Subgrantee agrees to:
  - (1) Provide a drug-free workplace for the Subgrantee's employees;
  - (2) Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
  - (3) State in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and
  - (4) Include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars (\$10,000), so that the provisions will be binding upon each subcontractor or vendor.
2. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

X. FAITH-BASED ORGANIZATIONS

Pursuant to Section 2.2-4343.1 of the Code of Virginia (1950), as amended, the City of Roanoke does not discriminate against faith-based organizations.

XI. SUCCESSORS

This Agreement shall be binding upon each of the parties, and their assigns, purchasers, trustees, and successors.

XII. AMENDMENTS

The Grantee, from time to time, may require changes in the obligations of the Subgrantee hereunder. In such event or events, such changes which are mutually agreed upon by and between the Grantee and the Subgrantee shall be incorporated in written amendment to this Agreement.

XIII. GOVERNING LAW

This Agreement shall be governed by laws of the Commonwealth of Virginia.

XIV. AVAILABILITY OF FUNDS

Derelict Structure Funds to be reimbursed by the Grantee to the Subgrantee under this Agreement is contingent upon necessary appropriation of such funds by the Virginia Department of Housing and Community Development to the Grantee. In the event that appropriation of such sufficient funds are withdrawn by the Department of Housing and Community Development, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

XV. NOTICE

Any notice, request, or demand given or required to be given under this Agreement shall, except as otherwise expressly provided herein, be in writing and shall be deemed duly given only if delivered personally or sent by certified mail, return receipt requested to the addresses stated below.

To the City:                      City Manager  
   Room 364, Noel C. Taylor Municipal Building  
   215 Church Avenue, S.W.  
   Roanoke, Virginia 24011

To the \_\_\_\_\_: \_\_\_\_\_  
   \_\_\_\_\_  
   \_\_\_\_\_  
   \_\_\_\_\_

Notice shall be deemed to have been given, if delivered personally, upon delivery, and if mailed, upon the third business day after the mailing thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day



and year herein above written:

ATTEST:

FOR THE GRANTEE:

By \_\_\_\_\_  
Mary F. Parker, City Clerk

By \_\_\_\_\_  
Darlene L. Burcham, City Manager

ATTEST:

FOR THE SUBGRANTEE:

By \_\_\_\_\_  
Secretary  
Blue Ridge Housing Development Corporation

By \_\_\_\_\_  
President

APPROVED AS TO FORM

APPROVED AS TO EXECUTION

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Assistant City Attorney

APPROPRIATION AND FUNDS REQUIRED  
FOR THIS AGREEMENT CERTIFIED

\_\_\_\_\_  
Director of Finance

\_\_\_\_\_  
Account Number

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

ST  
7/17/03

A RESOLUTION authorizing execution of an Agreement between the City and Blue Ridge Housing Development Corporation in order to provide funds from the Derelict Structures Fund, in the amount of \$50,000.00, to Blue Ridge Housing Development Corporation for renovation of property located at 1018 Jamison Avenue, upon certain terms and conditions.

WHEREAS, by Resolution No. 35005-080700, adopted August 7, 2000, City Council authorized the City Manager to prepare and submit an application to the Virginia Department of Housing and Community Development for a grant from the Derelict Structures Fund in the amount of \$100,000.00 on behalf of Northwest Neighborhood Environmental Organization and Two B Investments;

WHEREAS, the grant was awarded, and a funding agreement was executed between the City and the Department of Housing and Community Development on May 29, 2001;

WHEREAS, the City of Roanoke has \$50,000.00 of unexpended funds from the grant;

WHEREAS, Blue Ridge Housing Development Corporation ("BRHDC") desires to utilize the City's remaining \$50,000.00, on a reimbursement basis, to renovate property located at 1018 Jamison Avenue, which is in the Southeast by Design neighborhood; and

WHEREAS, BRHDC is committing \$70,000.00 from its own line of credit, and in partnership with Total Action Against Poverty, will commit another \$30,000.00 for match.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Roanoke that the City Manager, or the Assistant City Manager, is hereby authorized to execute any and all requisite

documents, approved as to form by the City Attorney, to allocate \$50,000.00 of the Derelict Structures Fund grant to BRHDC on a reimbursement basis, as more particularly set out in the City Manager's letter dated July 21, 2003, to this Council.

ATTEST:

City Clerk.

ROANOKE CITY SCHOOL BOARD  
P. O. Box 13145  
Roanoke, Virginia 24031  
Phone: 540-853-2381 -- Fax: 540-853-2951

July 21, 2003

The Honorable Ralph K. Smith, Mayor  
and Members of Roanoke City Council  
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its July 1 meeting, the Board respectfully requests City Council to approve the following appropriations:

- \$800,000.00 for the Patrick Henry High School project. The monies will be used for architectural fees for the development of construction documents and for construction management services for the project.
- \$75,000.00 for the Comprehensive School Reform Grant for Huff Lane MicroVillage. The funds will provide for the replication of successful intervention programs from other school divisions at the school and will provide staffing for a MicroSociety program, which includes staff development and skills instruction for students. This continuing program will be one hundred percent reimbursed by federal funds.
- \$75,000.00 for the Comprehensive School Reform Grant for Oakland School. The funds will provide for the replication of successful intervention programs from other school divisions at the school and will provide staff development for teachers and math skills instruction for students. This continuing program will be one hundred percent reimbursed by federal funds.
- \$50,000.00 for the Comprehensive School Reform Grant for Noel Taylor Learning Academy. The funds will provide for the replication of successful intervention programs from other school divisions at the school and will implement a basic skills program, which includes staff development and remedial skills instruction. This continuing program will be one hundred percent reimbursed by federal funds.

Members of Council

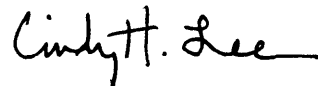
Page 2

July 21, 2003

- \$110,295.00 for the Schools' reading program. The funds will pay for reading materials for elementary school reading programs. A private donation has been received for this new program.
- \$5,000.00 for the D-Day Memorial Program. The funds will pay for D-Day Memorial visitations by students. A private donation has been received for this new program.

Thank you for your attention to this request.

Sincerely,



Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns  
Dr. E. Wayne Harris  
Mr. Richard L. Kelley  
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham  
Mr. William M. Hackworth  
Mr. Jesse A. Hall  
Mr. Jim Wells (with accounting  
Details)



# **CITY OF ROANOKE**

## **DEPARTMENT OF FINANCE**

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

**Director of Finance**

email: jesse\_hall@ci.roanoke.va.us

July 21, 2003

**ANN H. SHAWVER**

**Deputy Director**

email: ann\_shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor  
 The Honorable C. Nelson Harris, Vice Mayor  
 The Honorable William D. Bestpitch, Council Member  
 The Honorable M. Rupert Cutler, Council Member  
 The Honorable Alfred T. Dowe, Jr., Council Member  
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

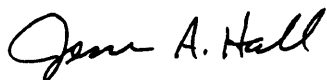
- \$400,000 for the Patrick Henry High School project. The monies will be used for architectural fees, for the development of construction documents and for construction management services for the project. The total cost of this portion of the Patrick Henry High School project is \$800,000. \$400,000 was previously appropriated to the Patrick Henry High School Project account (031-065-6066-6896) by Council on June 16, 2003 (Ordinance No. 36404-061603). The remaining \$400,000 is available in the Schools' Other Uses of Funds account (030-065-6007-6998-0902) as a result of funding earmarked for future debt service which is available to cash-fund project costs.
- \$75,000 for the Comprehensive School Reform Grant for Huff Lane MicroVillage. The funds will provide for the replication of successful intervention programs from other school divisions at the school and will provide staffing for a MicroSociety program, which includes staff development and skills instruction for students. This continuing program will be one hundred percent reimbursed by federal funds.
- \$75,000 for the Comprehensive School Reform Grant for Oakland School. The funds will provide for the replication of successful intervention programs from other school divisions at the school and will provide staff development for teachers and math skills instruction for students. This continuing program will be one hundred percent reimbursed by federal funds.

Honorable Mayor and Members  
of City Council  
July 21, 2003

- \$50,000 for the Comprehensive School Reform Grant for the Noel Taylor Learning Academy. The funds will provide for the replication of successful intervention programs from other school divisions at the school and will implement a basic skills program, which includes staff development and remedial skills instruction. This continuing program will be one hundred percent reimbursed by federal funds.
- \$110,295 for the Schools' reading program. The funds will pay for reading materials for elementary school reading programs. A private donation has been received for this new program.
- \$5,000 for the D-Day Memorial Program. The funds will pay for D-Day Memorial visitations by students. A private donation has been received for this new program.

I recommend that you concur with this request of the School Board.

Sincerely,



Jesse A. Hall  
Director of Finance

Attachment

JAH/ctg

c: Darlene L. Burcham, City Manager  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
E. Wayne Harris, Superintendent of City Schools

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2003-2004 School and School Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2003-2004 School and School Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**School Fund**

**Appropriations**

Education	\$ 137,719,181
Comprehensive School Reform Grant - Huff Lane 2003-04 (1-8) .....	75,000
Comprehensive School Reform Grant - Oakland 2003-04 (9-14).....	75,000
Reading Program 2003-04 (15) .....	110,295
D-Day Memorial Program 2003-2004 (16).....	5,000
Comprehensive School Reform Grant - Noel Taylor	
Learning Academy 2003-04 (17-26) .....	50,000
Other Uses of Funds (27-28) .....	5,261,681

**Revenues**

Education	\$ 137,719,181
Comprehensive School Reform Grant - Huff Lane 2003-04 (29).....	75,000
Comprehensive School Reform Grant - Oakland 2003-04 (30).....	75,000
Reading Program 2003-04 (31) .....	110,295
D-Day Memorial Program 2003-04 (32).....	5,000
Comprehensive School Reform Grant - Noel Taylor	
Learning Academy 2003-04 (33) .....	50,000

**School Capital Projects Fund**

**Appropriations**

Education	\$ 25,017,418
Patrick Henry High School Project (34) .....	650,000



## Revenues

Non-Operating		\$	650,000
Transfer from School Fund (35).....			650,000
1) Substitutes	(030-061-6113-6000-0021)	\$	1,000
2) MicroSociety			
Program Coordinator	(030-061-6113-6000-0121)		20,000
3) Social Security	(030-061-6113-6000-0201)		1,484
4) Retirement	(030-061-6113-6000-0202)		124
5) MicroSociety School			
Reform Model	(030-061-6113-6000-0313)		36,000
6) Staff Travel	(030-061-6113-6000-0554)		3,000
7) Orchard Math			
Software	(030-061-6113-6000-0615)		5,500
8) Equipment	(030-061-6113-6000-0821)		7,892
9) Teacher Stipends	(030-061-6114-6000-0129)		31,750
10) Social Security	(030-061-6114-6000-0201)		2,430
11) Contracted Professional			
Development	(030-061-6114-6000-0313)		7,000
12) Staff Travel	(030-061-6114-6000-0554)		1,000
13) EveryDay Math			
Materials	(030-061-6114-6000-0614)		22,100
14) Equipment	(030-061-6114-6000-0821)		10,720
15) Reading Material	(030-061-6612-6004-0614)		110,295
16) Field Trips	(030-062-6613-6004-0583)		5,000
17) Substitute Teachers	(030-063-6115-6100-0021)		9,600
18) Teacher Stipends	(030-063-6115-6100-0129)		2,787
19) Social Security	(030-063-6115-6100-0201)		213
20) Staff Travel	(030-063-6115-6100-0551)		2,500
21) Evaluation Services	(030-063-6115-6100-0584)		3,775
22) Professional			
Development	(030-063-6115-6100-0585)		14,000
23) School Reform Model	(030-063-6115-6100-0586)		10,625
24) Other Charges	(030-063-6115-6100-0587)		1,500
25) Administrative Supplies	(030-063-6115-6100-0601)		1,500
26) Instructional Supplies	(030-063-6115-6100-0614)		3,500
27) Interest	(030-065-6007-6998-0902)		(400,000)
28) Transfer to School			
Capital Projects Fund	(030-065-6007-6999-9531)		400,000
29) Federal Grant Receipts	(030-061-6113-1102)		75,000
30) Federal Grant Receipts	(030-061-6114-1102)		75,000
31) Donations	(030-061-6612-1103)		110,295
32) Donations	(030-062-6613-1103)		5,000
33) Federal Grant Receipts	(030-063-6115-1102)		50,000

34) Appropriated from		
General Revenue	(031-065-6066-6896-9003)	\$ 400,000
35) Transfer from		
School Fund	(031-060-6066-1127)	400,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Lease Extension of City Owned  
Property known as the Warehouse Row  
buildings located at 117 and 119 Norfolk  
Avenue S.W.

### Background:

Last August, the City of Roanoke entered into a lease agreement with Warehouse Row, L.P. for the lease of the property known as the Warehouse Row buildings located at 117 and 119 Norfolk Avenue for a forty-year term beginning September 1, 2002.

As Warehouse Row, L.P. is utilizing historic tax credits to fund the renovation of the buildings, such funding requires a lease greater than 39 ½ years from the time the renovation is complete. As the renovation is expected to be complete next month (August, 2003), Warehouse Row, L.P. is requesting the City to amend the lease agreement so that the lease will have a term of 40 years commencing on July 25, 2003. Such amendment will allow Warehouse Row, L.P. to meet the historic tax credit requirement. All other terms of the existing lease will remain in full force and effect.

Since the amendment and lease extension involve a period of more than five years, the applicable statutes require an invitation to receive bids for such extension and a public hearing on the matter. An invitation to bid and notice of public hearing has been advertised and bids are to be submitted by 1:00 p.m. on July 21, 2003, and the public hearing will be held at Council's 7:00 p.m. meeting that day.

An Ordinance is attached as Attachment (A) that would be completed upon acceptance of the bid from the most responsive bidder and the name of such bidder inserted in such ordinance.

Recommended Action:

Following a public hearing and the opening and consideration of bids, accept the most responsive bid and authorize the City Manager to execute a second amendment and lease extension. Such agreement would extend the lease of the Property so that it will have a term of 40 years commencing on July 25, 2003, and which will be approved as to form by the City Attorney. Furthermore, authorize the City Manager to take such further actions as may be necessary to accomplish such extension.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene Burcham", written over the printed name.

Darlene L. Burcham  
City Manager

DLB:clw

Attachment

c: Jesse Hall, Director of Finance  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Elizabeth A. Neu, Director of Economic Development  
Christopher L. Whitlow, Economic Development Administrator

CM03-00151

## **NOTICE:**

The Ordinance providing for the award and execution of the Second Amendment and Lease Extension Agreement for City owned property know as the Warehouse Row Buildings located at 117 and 119 Norfolk Avenue, S. W., will be submitted by the City Attorney after the bids are opened and reviewed.



**CITY OF ROANOKE**  
**PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166  
Roanoke, Virginia 24011  
Telephone: (540) 853-1730 Fax: (540) 853-1230  
E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

Architectural Review Board  
Board of Zoning Appeals  
Planning Commission

July 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Boutros and Sheila Melki, represented by Eric R. Spencer, attorney, to rezone a tract of land known as 926 Indiana Avenue, N.E., also known as Tax #3060505, from RM-1, Residential Multifamily, Low Density District, to CN, Neighborhood Commercial District.

**Planning Commission Action:**

Planning Commission public hearing was held on Thursday, April 17, 2003. By a vote of 0-6 (Mr. Manetta absent), the motion to recommend the rezoning to City Council failed.

**Background:**

The subject parcel, zoned RM-1, Residential Multifamily, Low Density District, is approximately 13,222 square feet. A 1,800 square foot, one-story structure, formerly used as a church fellowship hall, is located on the subject parcel and fronts on Indiana Avenue. A 900 square foot covered porch is attached to the eastern end of the building.

**Considerations:**

The surrounding properties are zoned RM-1, Residential Multifamily, Low Density District. All adjoining properties, except for the church across the street, are currently single-family residential uses. The 900 block of Indiana Avenue and the

parallel block on Missouri Avenue are residential in character and land use. The property on the corner of Indiana Avenue and Hollins Road is zoned LM, Light Manufacturing District, and is used by a construction company for its offices. This LM parcel, which fronts on Hollins Road, and the subject property are separated by a viable single-family residential house fronting on Indiana Avenue.

The Petitioner proposes to maintain the existing building and provide an appliance repair center. Such a use would be permitted in a CN district; however, the CN rezoning is inappropriate in this case. The CN district is intended to maintain or create commercial core areas within a neighborhood rather than permitting the unplanned dispersion of commercial uses throughout the area. A rezoning of the subject parcel in order to allow a single commercial use among primarily residential uses is not consistent with the intent of the CN district.

Development of the site as proposed is inconsistent with the following policies and statements of **Vision 2001-2020**, the City's Comprehensive Plan:

- **Commercial Development:** Roanoke will encourage commercial development in appropriate areas (i.e., key intersections and centers) of Roanoke to serve the needs of citizens and visitors (p.59, ED P6).
- **Neighborhoods as villages:** Neighborhood-oriented commercial activity will be encouraged in well-defined village centers (p.40, NH P2).
- **Village Centers:** Centers generally have fixed limits so that commercial activity does not encroach into the surrounding residential areas (p.40, Strategic Initiative).

Under the existing zoning ordinance, the CN, Neighborhood Commercial District is the strongest tool for encouraging the development of neighborhood village centers and neighborhood commercial activity. The subject parcel is located on a residential neighborhood street in which further commercial development is unlikely and undesirable.

Staff received a letter in opposition to the petition from Rick Hendrick, a representative of the Hollins Road North Civic League, expressing concern that the area of the subject property is a neighborhood of single family housing and that a commercial property would add to the traffic, endanger neighborhood children, and create more noise.

Staff also received a petition with 32 signatures, expressing opposition to the rezoning. Those signatures represent seven properties on Indiana Avenue, seven on Missouri Avenue, six on Mohawk Avenue, three on Monticello Avenue, and three on Hollins Road.

Planning Commission Hearing:

During the Planning Commission hearing, Eric Spencer, attorney, presented the request. Boutros and Sheila Melki, petitioners, also spoke on behalf of their

petition. Nancy Snodgrass presented the staff report, recommending denial of the request. Mr. Rick Hendrick, 933 Missouri Avenue, N.E., and a representative of the Hollins Road North Civic League, appeared before the Commission to voice opposition to the rezoning request. Mr. Hendrick said he was speaking for a number of residents who were present at the hearing, and he asked them to stand. Mr. Hendrick stated that he and many of his neighbors are opposed to the rezoning request because the area is a neighborhood of single-family homes, and he supported the vitality of the residential neighborhood with information that four new homes have been built and purchased in the community during the past year. Mr. Hendrick also referenced a letter of opposition he submitted to staff as well as a petition representing property owners on Indiana Avenue, Missouri Avenue, Mohawk Avenue, Monticello Avenue, and Hollins Road.

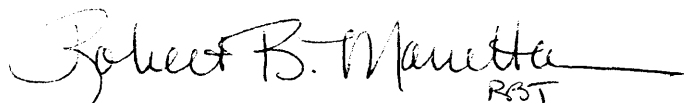
Planning Commission discussion included the following:

- The amount of other CN, C-2, and LM zoned properties, in the area that would permit operation of an appliance repair shop;
- The ramifications, if any, of the easement on the adjoining property that would appear on the survey to include part of the functional operation of the building on the subject property;
- Other uses that would be permitted with a CN zoning; and
- The inappropriateness of the location for commercial use given the predominant residential character of the street and parallel streets in the area.

Recommendation:

The Commission recommends the request be denied. Given the surrounding land use pattern and the intent of the CN, Neighborhood Commercial District, the Commission cannot support the request for rezoning to CN.

Respectfully submitted,

A handwritten signature in dark ink, reading "Robert B. Manetta". Below the signature, the initials "RBT" are written in a smaller, simpler font.

Robert B. Manetta, Chairman  
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager  
Rolanda Russell, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Eric R. Spencer, Attorney for the Petitioner



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

REZONING OF A TRACT OF LAND KNOWN  
AS 926 INDIANA AVENUE, N.E.; ALSO KNOWN  
AS TAX #3060505, FROM RESIDENTIAL TO  
NEIGHBORHOOD COMMERCIAL

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF  
THE CITY OF ROANOKE:

The Petitioners, Boutros Y. Melki and Shelia L. Melki, own land in the City of Roanoke containing 0.293 acres, more or less, located at 926 Indiana Avenue, N.E., in the City of Roanoke, Virginia, also known as Tax #3060505. Said tract is currently zoned RM-1. A map of the property to be rezoned is attached hereto as Exhibit "A".

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioners request that the said property be rezoned from RM-1 to CN, neighborhood commercial, for the purpose of repairing small appliances.

The Petitioner believes the rezoning of the said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will maintain an existing building and will provide an appliance repair center to the neighborhood.

Attached as Exhibit "B" is a survey of said tract showing the location of existing improvements on the property including necessary parking for the facility.

Attached as Exhibit "C" are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across the street from the property to be rezoned.

WHEREFORE, the Petitioners request that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 6<sup>th</sup> day of March, 2003.

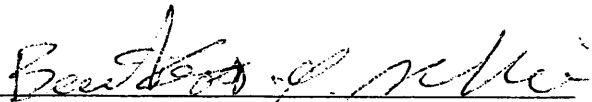
Respectfully submitted,

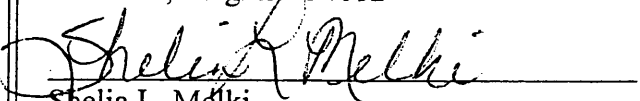
BOUTROS Y. MELKI  
SHELIA L. MELKI

By: \_\_\_\_\_

Of Counsel

Eric Roland Spencer  
VSB #17427  
P.O. Box 2542  
Roanoke, Virginia 24010  
(540) 343-4712  
(540) 981-0441 (facsimile)  
Counsel for Petitioners

  
Boutros Y. Melki  
5220 Heatherstone Road  
Roanoke, Virginia 24012

  
Shelia L. Melki  
5220 Heatherstone Road  
Roanoke, Virginia 24012

SN1710H

1859 ~ 1900 ~ Dated 3-28-47

# INDIANA

**SUBJECT PROPERTY**

# MOHAWK

(FLORIDA AVENUE)

EXHIBIT

A

# CONNECTICUT

ALLEY PERMANENTLY VACATED BY  
 ORD # 15102 11/10/08

**NALG**

11. T.

30612

204

# LEGEND

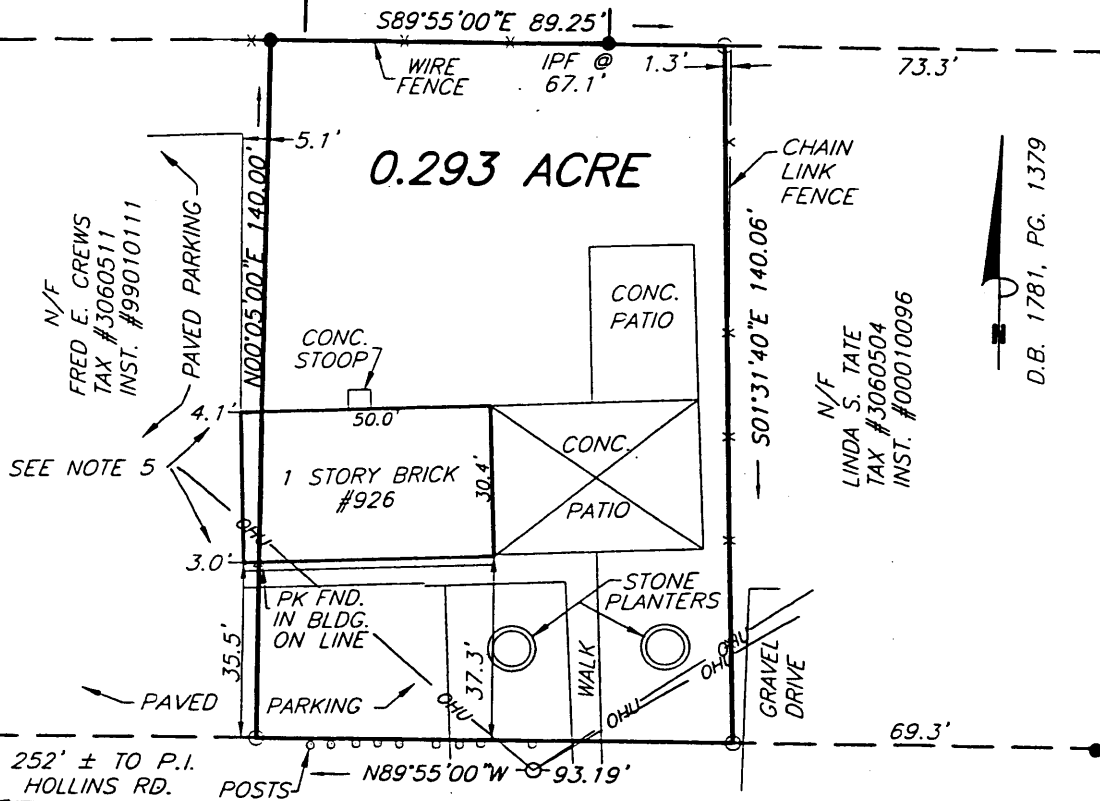
- IRON PIN SET
- IRON PIN FOUND

THIS IS TO CERTIFY THAT AN ACTUAL FIELD SURVEY OF THE PREMISES SHOWN HEREON HAS BEEN PERFORMED UNDER MY SUPERVISION; THAT ALL IMPROVEMENTS AND VISIBLE EVIDENCE OF EASEMENTS ARE SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES OTHER THAN SHOWN HEREON. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY SUCH. PROPERTY IS IN F.E.M.A. DEFINED ZONE X UNSHADED.

N/F  
ETHEL HARRISON  
LIFE ESTATE  
TAX #3060503  
D.B. 1516, PG. 1518

N/F  
BARBARA H. HAYNES  
TAX #3060508  
INST. #98019507

N/F  
ROBIN WHEELER  
TAX #3060509  
INST. #02000120



INDIANA AVENUE, N.E. 40' R/W

## NOTES:

- OWNERS OF RECORD: TRUSTEES OF NEW HOPE BAPTIST CHURCH
- LEGAL REFERENCE: DEED BOOK 1781, PAGE 1379
- TAX MAP NUMBER: 3060505
- UNDERGROUND UTILITY SERVICE LINES
- SEE PERPETUAL ESMT. FOR ENCROACHMENTS OF THAT PORTION OF BRICK CHURCH BUILDING, SIDEWALK & BRICK WALL, UPON THE PROPERTY SHOWN HEREON.

PHYSICAL IMPROVEMENT SURVEY FOR  
**BOURTOS Y. MELKI**  
**SHEILA L. MELKI**

926 INDIANA AVENUE, N.E.

AS DESCRIBED IN DEED BOOK 1781, PAGE 1379  
BEING A REVISED DESCRIPTION OF  
THE WEST PART OF LOT 1, BLOCK 11

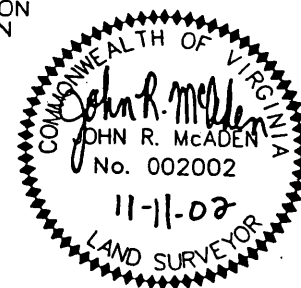
**FAIRMOUNT**

CITY OF ROANOKE, VIRGINIA  
SURVEYED NOVEMBER 11, 2002  
JOB #R0221112.00  
SCALE: 1" = 30'

TEL: 540-772-9580 FAX: 540-772-8050

**PLANNERS ARCHITECTS ENGINEERS SURVEYORS**

Balzer & Associates, Inc. 1208 Corporate Circle Roanoke Va. 24018



REFLECTING TOMORROW  
• PLANNERS • ARCHITECTS  
• ENGINEERS • SURVEYORS

EXHIBIT

**B**

EXHIBIT

C

Fred C. Crews

#3060511  
918 Indiana Avenue  
Roanoke, Virginia 24012

Linda S. Tate

#3060504  
930 Indiana Avenue  
Roanoke, Virginia 24012

Ethel M. Harrison

#3060503  
919 Missouri Avenue  
Roanoke, Virginia 24012

Barbara H. Haynes

#3060508  
4959 Lantern Street, N.W.  
Roanoke, Virginia 24019

Robin Wheeler

#3060509  
929 Missouri Avenue  
Roanoke, Virginia 24012

Blue Ridge Trustees

929 Indiana Avenue

#3060709  
3299 Happy Hollow Road  
Blacksburg, Virginia 24060

TO THE HONORABLE MAYOR AND MEMBERS OF THE ROANOKE CITY COUNCIL;

WE THE CITIZENS AND NEIGHBORS OF THE PROPERTY LOCATED AT 926 INDIANA AVENUE NE. OPPOSE THE REZONING OF SAID PROPERTY FROM RM-1 TO CN. THIS WOULD BE IN DIRECT CONFLICT WITH THE CITIES PLAN TO HAVE MORE SINGLE FAMILY DWELLINGS WITHIN THE CITY. THIS WOULD ALSO ADD MORE TRAFFIC TO OUR COMMUNITY AND ADD TO DANGER TO THE CHILDREN WHO LIVE IN THE HOMES THAT SURROUND THIS PROPERTY. WE DO NOT WANT ANY BUSINESS TO BE OPERATED BETWEEN TWO SINGLE FAMILY HOMES.

NAME	ADDRESS
------	---------

1	Richard Hardins	933 Missouri Ave. NE, 24012
2	Myrtle H. Cundiff	938 Indiana Ave. N.E. 24012
3	Robert Wheeler	929 Missouri Ave 24012
4	Ronald Lockard	924 Missouri Ave. 24012
5	Helen Lockard	924 Missouri Ave 24012
6	Erin B. Mc	925 Missouri Ave 24012
7	Norma McDene	915 Missouri Ave N.E.
8	Juanita Knight	915 Missouri Ave N.E.
9	Darrell LANSON	915 Missouri Ave N.E.
10	Senja Renfro	937 Indiana Ave.

TO THE HONORABLE MAYOR AND MEMBERS OF THE ROANOKE  
CITY COUNCIL;

WE THE CITIZENS AND NEIGHBORS OF THE PROPERTY LOCATED  
AT 926 INDIANA AVENUE NE. OPPOSE THE REZONING OF SAID  
PROPERTY FROM RM-1 TO CN. THIS WOULD BE IN DIRECT  
CONFLICT WITH THE CITIES PLAN TO HAVE MORE SINGLE  
FAMILY DWELLINGS WITHIN THE CITY. THIS WOULD ALSO ADD  
MORE TRAFFIC TO OUR COMMUNITY AND ADD TO DANGER TO  
THE CHILDREN WHO LIVE IN THE HOMES THAT SURROUND THIS  
PROPERTY. WE DO NOT WANT ANY BUSINESS TO BE OPERATED  
BETWEEN TWO SINGLE FAMILY HOMES.

	NAME	ADDRESS
1	Rick Mester	938 Mohawk Ave NE 24012
2	Leah N. Dantrell	928 Mohawk Ave NE 24012
3	Jason M. Dantrell	928 Mohawk Ave NE 24012
4	Joe Valters	901 Mohawk Ave NE 24012
5	Anthony Oriskany	915 Indiana Av NE 24012
6	Matthew Melt	934 Mohawk Ave NE 24012
7	D. O. Gill	912 Mohawk Ave NE 24012
8		
9		
10		

TO THE HONORABLE MAYOR AND MEMBERS OF THE ROANOKE CITY COUNCIL;

WE THE CITIZENS AND NEIGHBORS OF THE PROPERTY LOCATED AT 926 INDIANA AVENUE NE. OPPOSE THE REZONING OF SAID PROPERTY FROM RM-1 TO CN. THIS WOULD BE IN DIRECT CONFLICT WITH THE CITIES PLAN TO HAVE MORE SINGLE FAMILY DWELLINGS WITHIN THE CITY. THIS WOULD ALSO ADD MORE TRAFFIC TO OUR COMMUNITY AND ADD TO DANGER TO THE CHILDREN WHO LIVE IN THE HOMES THAT SURROUND THIS PROPERTY. WE DO NOT WANT ANY BUSINESS TO BE OPERATED BETWEEN TWO SINGLE FAMILY HOMES.

NAME

ADDRESS

- 1 Mary R. Sanders 1002 Indiana ave, N.E. Roanoke, Va
- 2 Linda Tate 930 Indiana Ave NE RKE VA 24012
- 3 Michelle Secamiglio 933 Indiana NE Roanoke, VA 24012
- 4 Anthony Secamiglio 933 Indiana Ave RKE 24012
- 5 Ired Crandall 918 Indiana Ave. RKE, 24012
- 6 David Harrison 919 Missouri Ave N.E RKE 24012
- 7 Anna Harrison 919 Missouri Ave. N.E. Roanoke, Va. 24012
- 8 MSD 918 Missouri Ave. NE Roanoke, VA 24012
- 9 Angela Feltus 1911 Hollins Rd NE Roanoke, VA 24012
- 10 Jimmy Crank 1006 Michigan Roanoke VA 24012



TO THE HONORABLE MAYOR AND MEMBERS OF THE ROANOKE CITY COUNCIL;

WE THE CITIZENS AND NEIGHBORS OF THE PROPERTY LOCATED AT 926 INDIANA AVENUE NE. OPPOSE THE REZONING OF SAID PROPERTY FROM RM-1 TO CN. THIS WOULD BE IN DIRECT CONFLICT WITH THE CITIES PLAN TO HAVE MORE SINGLE FAMILY DWELLINGS WITHIN THE CITY. THIS WOULD ALSO ADD MORE TRAFFIC TO OUR COMMUNITY AND ADD TO DANGER TO THE CHILDREN WHO LIVE IN THE HOMES THAT SURROUND THIS PROPERTY. WE DO NOT WANT ANY BUSINESS TO BE OPERATED BETWEEN TWO SINGLE FAMILY HOMES.

NAME

ADDRESS

1 TAMI MOWLES 927 Monticello Ave Roanoke, VA 24012

2 Lena S Dillon - 931 Monticello Ave NE 24012

3 Lamenthia & Margaret Widenor 2007 Hollins Rd NE 24012

4 Fred L. Kelly 1919 Hollins Rd NE 24012

5 John Conner 926 Monticello Ave NE Roanoke

6

7

8

9

10

MARCH 15 2003

CITY OF ROANOKE PLANNING COMMISSION;

I HAVE TALKED TO NEIGHBORS OF THE PROPERTY LOCATED AT 926 INDIANA AVENUE N.E. AND HAVE GOTTEN A LOT OF COMMENTS FOR THE REZONE REQUEST OF SAID PROPERTY FROM RM-1 TO CN.

1 WE ARE IN A NEIGHBORHOOD OF SINGLE FAMILY HOUSING.

2 WE HAVE NO SIDE WALKS ON INDIANA AVE. .

3 WE HAVE MANY FAMILIES WITH SMALL CHILDREN WHO PLAY ACROSS THE STREET FROM THIS PROPERTY.

4 THE ONLY ACCESS FROM HOME TO HOME IS ON THE STREET.

5 A COMMERCIAL PROPERTY WOULD ONLY ADD TO THE TRAFFIC AND DANGER OUR CHILDREN.

6 THIS WOULD ADD MORE NOISE.

7 THIS WOULD REDUCE THE PROPERTY VALUE OF OUR HOMES.

8 WE HAVE HAD 4 NEW HOMES BUILT AND SOLD WITHIN TWO STREETS OF INDIANA AVE.

9 WE WANT TO GROW WITH HOMES FOR OUR FAMILIES NOT A BUSINESS.

10 MOST SAY THEY DON'T WANT THIS .

AFTER HEARING THIS, I AS A NEIGHBORHOOD LEADER CAN NOT AGREE WITH THE REZONING REQUEST.

MR. MELKI BOUGHT THIS PROPERTY KNOWING IT WAS ZONED FOR RM-1 IT SHOULD STAY THAT WAY.

THANK YOU

*Rick Hendrick*

RICK HENDRICK

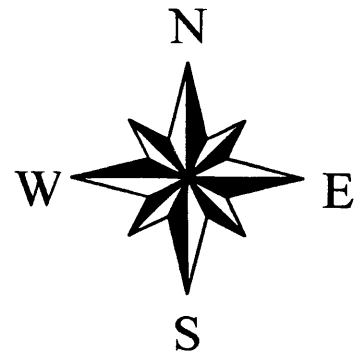
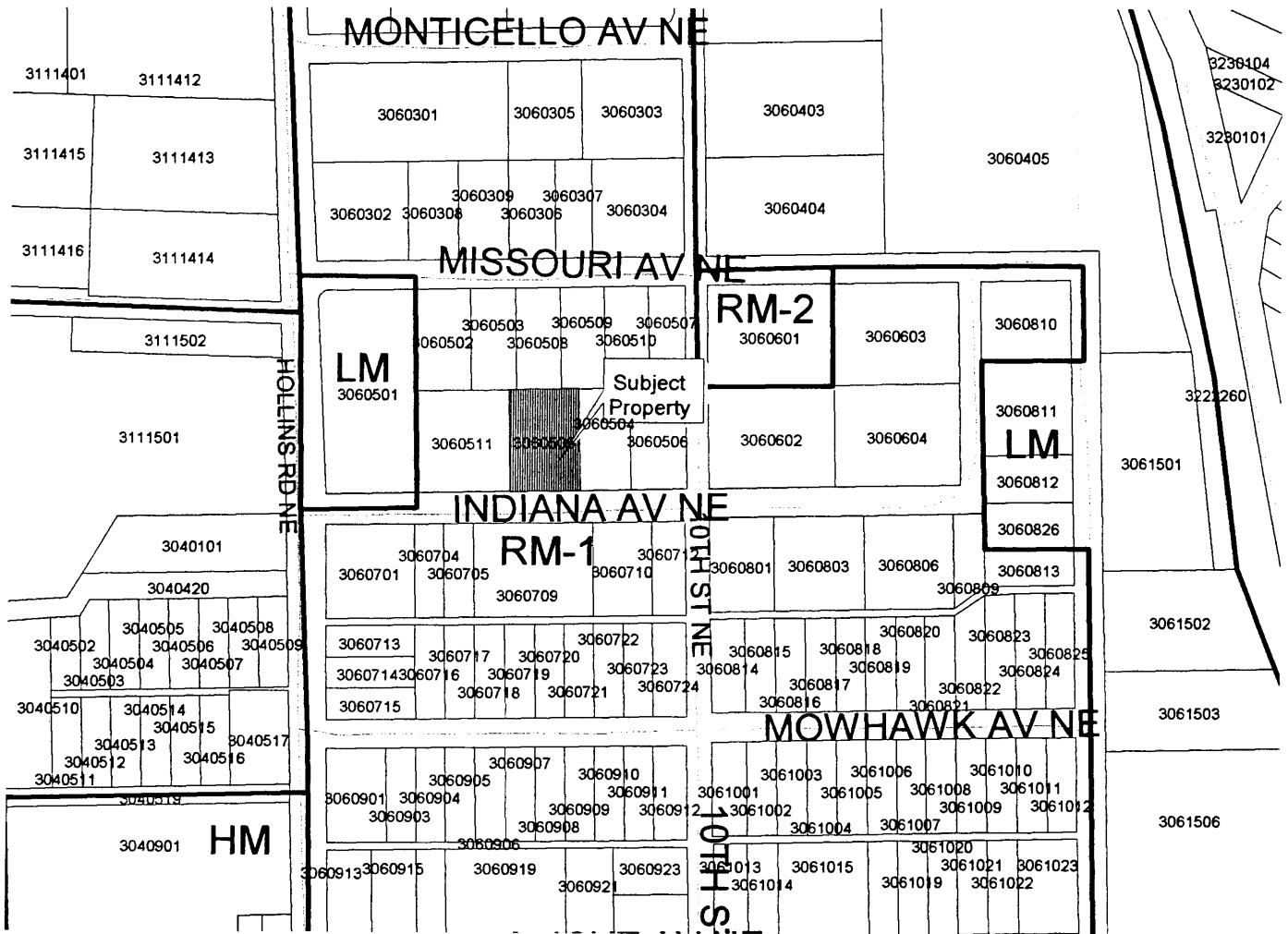
HOLLINS ROAD NORTH CIVIC LEAGUE.

RECEIVED

MAR 19 2003

CITY OF ROANOKE  
PLANNING BUILDING AND DEVELOPMENT

# 926 Indiana Ave, NE



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 306, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

WHEREAS, Boutros and Sheila Melki, made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-1, Residential Multi-family, Low Density District, to CN, Neighborhood Commercial District; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on such application at its meeting on July 21, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that

the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 306 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

That certain 0.293 acres, more or less, located at 926 Indiana Avenue, N.E., and designated on Sheet No. 306 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax No. 3060505, be, and hereby rezoned from RM-1, Residential Multifamily, Low Density District, to CN, Neighborhood Commercial District, as set forth in the Petition filed in the Office of the City Clerk on March 6, 2003, and that Sheet No. 306 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166  
Roanoke, Virginia 24011  
Telephone: (540) 853-1730 Fax: (540) 853-1230  
E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

Architectural Review Board  
Board of Zoning Appeals  
Planning Commission

July 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from HASI Partnership, represented by Edward A. Natt, Attorney, to amend proffered conditions on property located at 3342 Melrose Avenue, N.W., Official Tax No. 2660417

Planning Commission Action:

Public hearing was held on Thursday, June 19, 2003. By a vote of 5-1 (Mr. Scholz voting no), the Commission recommended approval of a second amended petition to amend proffers.

Background:

In May, 1990, Tax Map No. 2660417, was rezoned from C-2, General Commercial District to LM, Light Manufacturing District, Conditional by the adoption of Ordinance No. 30040-52190. Proffers were repealed and amended in May, 1993 by Ordinance No. 31443-051793.

A petition to amend proffered conditions was filed on April 30, 2003. A first amended petition was filed on June 5, 2003. A second amended petition to amend proffered conditions was filed on June 26, 2003. The petitioner requests the following conditions be repealed:

The subject property shall be used only for any of the following purposes:

- (a) General storage and warehousing establishment engaged in the storage of miscellaneous merchandise not for sale on the same premises;
- (b) Establishment engaged in the wholesale distribution of goods; and
- (c) No outside storage will be allowed on the premises.

The petitioner further requests that the following conditions be applied to Tax Map #2660417:

(1) The subject property shall be used only for any of the following purposes:

- (a) General storage and warehousing establishments engaged in the storage of miscellaneous merchandise not for sale on the same premises;
- (b) Establishments engaged in the wholesale distribution of goods;
- (c) Manufacturing establishments primarily engaged in the manufacture, assembly, mixing, processing or other processes related to the creation of new products and including as an accessory use, the retail sale of goods manufactured on the premises, where all such manufacturing, assembly, mixing, processing or other processes related to the creation of new products, and retail sales of goods manufactured on the premises, are wholly enclosed in a building;
- (d) Establishments engaged in the retail sale of building or construction supplies and equipment provided the gross floor area of such buildings is not less than twenty thousand (20,000) square feet;

(2) There will be no freestanding signage on the property;

(3) Any outside storage shall be screened with a solid fence (wood, vinyl, or metal) so as not to be visible from Melrose Avenue and from the cemetery.

#### Considerations:

The 3.0242 acre parcel is located in a mixed-use, commercial-industrial area of the Melrose Avenue commercial corridor. The property is surrounded by an LM, Light Manufacturing District, to the west and northwest, and a C-2, General Commercial District, to the east and northeast. To the south is one parcel zoned RM-1, Residential Multifamily, Low Density District. The land uses surrounding the properties are warehouse facilities to the west and an employment training services center/manufacturing establishment (Goodwill Industries) to the northwest. The properties to the northeast include an ABC store and two vacant parcels owned by Roanoke Country Club. To the east is a parcel containing two

one-story commercial buildings. Fair View Cemetery is located to the south of the subject property.

The existing building on the parcel is a 43,700 square feet commercial structure built in 1965. The structure is currently unoccupied.

The proffered uses of this petition are by-right uses in the LM, Light Manufacturing District.

The petitioner proffers there will be no freestanding signage on the property. This proffer ensures that there will be no increase in the visual clutter along the Melrose Avenue commercial corridor. The LM, Light Manufacturing District allows one freestanding sign per parcel with a surface area of 150 square feet or less.

Because outdoor storage is permitted in the LM, Light Manufacturing District, the petitioner proffers that any outdoor storage will not be visible from Melrose Avenue. This shielding of outdoor storage from public view is important to the streetscape.

The subject parcel is located in the Enterprise Zone One district and may qualify for local and state economic incentives, including a façade grant and rehabilitation of existing structures tax credits. The local incentives for the Enterprise Zone One will be available through December 31, 2003.

The request to repeal and amend proffers on the parcel is consistent with the following policies and statements of **Vision 2001-2020**, the City's Comprehensive Plan:

- **Improving Streetscapes:** Roanoke's streetscapes should be welcoming. Good street design is essential to the continuing revitalization of commercial areas (p.69).
- **Signs** should be limited in number and scaled in size to minimize visual clutter (p.95).
- **Industrial Development:** Identify underutilized industrial sites and promote redevelopment as part of Roanoke's economic development strategy (ED A18, p.130).
- **Industrial Development:** Promote and market the Enterprise Zone program to existing and prospective businesses (ED A21, p.130).

During the Planning Commission public hearing, Edward A. Natt, attorney, presented the request on behalf of the petitioner. Nancy Snodgrass, City Planner, presented the staff report, recommending approval of the request with proffered conditions.



No one spoke at the public hearing in opposition to or in favor of the request to amend proffered conditions.

Planning Commission discussion included the following:

- The extent of manufacturing, assembling or mixing that would be permitted at this location with the amendment of proffered conditions
  - The applicant's business does some assembling of component products and some steel fabrication that includes the cutting of basement columns, reinforcement rods and steel angles.
  - The proffered condition related to manufacturing establishments would allow any type of "manufacturing, assembling or mixing" use on this site as permitted in the LM, Light Manufacturing District, and not just the type of use proposed by the applicant.
- Outdoor storage and a need for more comprehensive screening beyond that visible from Melrose Avenue
  - By code, the restriction that outdoor storage cannot be located closer to the street than the front of the building
  - The need to screen any outdoor storage from the cemetery to the rear of the property

Mr. Natt agreed to file a Second Amended Petition that would modify the language of proffer number 3 to include the screening of any outdoor storage from the cemetery along the rear of the property in addition to screening such outdoor storage from Melrose Avenue.

Recommendation:

By a vote of 5-1 (Mr. Scholz voting no), the Commission recommended approval of the request, as amended, given the surrounding land use pattern and the proffered conditions of this petition.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". Below the signature, the initials "RBT" are written in a smaller, bold font.

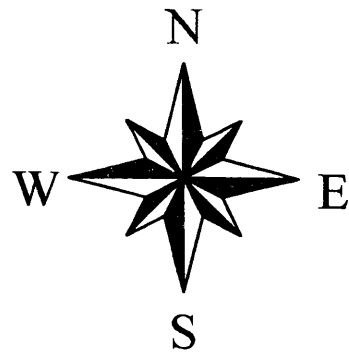
Robert B. Manetta, Chairman  
City Planning Commission

cc: Darlene L. Burcham, City Manager  
Rolanda Russell, Assistant City Manager for Community Development

William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Edward A. Natt, Attorney for the Petitioner

The map displays a section of the City of Minneapolis with the following details:

- Streets:** Melrose Ave NW, Bennett Dr NW, 5th St NW, Olivet St NW.
- Zoning Designations:** RM-1, RM-2, C-1, C-2, RS-3, LM.
- Property Lots:** Numerous lots are shown with their respective lot numbers (e.g., 2660103, 2660104, 2660106, 2660120, 2660109, 2660110, 2660111, 2660112, 2660113, 2660114, 2660115, 2660116, 2660117, 2660118, 2660119, 2660120, 2660121, 2660122, 2660123, 2660124, 2660125, 2660126, 2660127, 2660128, 2660129, 2660130, 2660131, 2660132, 2660133, 2660134, 2660135, 2660136, 2660137, 2660138, 2660139, 2660140, 2660141, 2660142, 2660143, 2660144, 2660145, 2660146, 2660147, 2660148, 2660149, 2660150, 2660151, 2660152, 2660153, 2660154, 2660155, 2660156, 2660157, 2660158, 2660159, 2660160, 2660161, 2660162, 2660163, 2660164, 2660165, 2660166, 2660167, 2660168, 2660169, 2660170, 2660171, 2660172, 2660173, 2660174, 2660175, 2660176, 2660177, 2660178, 2660179, 2660180, 2660181, 2660182, 2660183, 2660184, 2660185, 2660186, 2660187, 2660188, 2660189, 2660190, 2660191, 2660192, 2660193, 2660194, 2660195, 2660196, 2660197, 2660198, 2660199, 2660200, 2660201, 2660202, 2660203, 2660204, 2660205, 2660206, 2660207, 2660208, 2660209, 2660210, 2660211, 2660212, 2660213, 2660214, 2660215, 2660216, 2660217, 2660218, 2660219, 2660220, 2660221, 2660222, 2660223, 2660224, 2660225, 2660226, 2660227, 2660228, 2660229, 2660230, 2660231, 2660232, 2660233, 2660234, 2660235, 2660236, 2660237, 2660238, 2660239, 2660240, 2660241, 2660242, 2660243, 2660244, 2660245, 2660246, 2660247, 2660248, 2660249, 2660250, 2660251, 2660252, 2660253, 2660254, 2660255, 2660256, 2660257, 2660258, 2660259, 2660260, 2660261, 2660262, 2660263, 2660264, 2660265, 2660266, 2660267, 2660268, 2660269, 2660270, 2660271, 2660272, 2660273, 2660274, 2660275, 2660276, 2660277, 2660278, 2660279, 2660280, 2660281, 2660282, 2660283, 2660284, 2660285, 2660286, 2660287, 2660288, 2660289, 2660290, 2660291, 2660292, 2660293, 2660294, 2660295, 2660296, 2660297, 2660298, 2660299, 2660300, 2660301, 2660302, 2660303, 2660304, 2660305, 2660306, 2660307, 2660308, 2660309, 2660310, 2660311, 2660312, 2660313, 2660314, 2660315, 2660316, 2660317, 2660318, 2660319, 2660320, 2660321, 2660322, 2660323, 2660324, 2660325, 2660326, 2660327, 2660328, 2660329, 2660330, 2660331, 2660332, 2660333, 2660334, 2660335, 2660336, 2660337, 2660338, 2660339, 2660340, 2660341, 2660342, 2660343, 2660344, 2660345, 2660346, 2660347, 2660348, 2660349, 2660350, 2660351, 2660352, 2660353, 2660354, 2660355, 2660356, 2660357, 2660358, 2660359, 2660360, 2660361, 2660362, 2660363, 2660364, 2660365, 2660366, 2660367, 2660368, 2660369, 2660370, 2660371, 2660372, 2660373, 2660374, 2660375, 2660376, 2660377, 2660378, 2660379, 2660380, 2660381, 2660382, 2660383, 2660384, 2660385, 2660386, 2660387, 2660388, 2660389, 2660390, 2660391, 2660392, 2660393, 2660394, 2660395, 2660396, 2660397, 2660398, 2660399, 2660400, 2660401, 2660402, 2660403, 2660404, 2660405, 2660406, 2660407, 2660408, 2660409, 2660410, 2660411, 2660412, 2660413, 2660414, 2660415, 2660416, 2660417, 2660418, 2660419, 2660420, 2660421, 2660422, 2660423, 2660424, 2660425, 2660426, 2660427, 2660428, 2660429, 2660430, 2660431, 2660432, 2660433, 2660434, 2660435, 2660436, 2660437, 2660438, 2660439, 2660440, 2660441, 2660442, 2660443, 2660444, 2660445, 2660446, 2660447, 2660448, 2660449, 2660450, 2660451, 2660452, 2660453, 2660454, 2660455, 2660456, 2660457, 2660458, 2660459, 2660460, 2660461, 2660462, 2660463, 2660464, 2660465, 2660466, 2660467, 2660468, 2660469, 2660470, 2660471, 2660472, 2660473, 2660474, 2660475, 2660476, 2660477, 2660478, 2660479, 2660480, 2660481, 2660482, 2660483, 2660484, 2660485, 2660486, 2660487, 2660488, 2660489, 2660490, 2660491, 2660492, 2660493, 2660494, 2660495, 2660496, 2660497, 2660498, 2660499, 2660500, 2660501, 2660502, 2660503, 2660504, 2660505, 2660506, 2660507, 2660508, 2660509, 2660510, 2660511, 2660512, 2660513, 2660514, 2660515, 2660516, 2660517, 2660518, 2660519, 2660520, 2660521, 2660522, 2660523, 2660524, 2660525, 2660526, 2660527, 2660528, 2660529, 2660530, 2660531,



**SECOND AMENDED PETITION TO AMEND PROFFERS**

**IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA**

IN RE:

**Amendment of Proffered Conditions for 3342 Melrose Avenue, N.W.,  
in the City of Roanoke, identified as Tax Map No. 2660417.**

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE  
CITY OF ROANOKE:

Your Petitioner herein, HASI PARTNERSHIP, a Virginia general partnership, has heretofore amended the proffers on the property known as 3342 Melrose Avenue, N.W. (Tax Map No. 2660417) zoned as LM, Light Manufacturing District, Conditional; such proffers being adopted by Ordinance No. 31443-051793. Said parcel of land contains 3.0242 acres. A map of the property is attached hereto as **Exhibit 1**.

Your Petitioner further requests that the conditions relating to said property be amended as hereinafter set out.

Your Petitioner believes that the subject amendment of proffers will further the intent and purposes of the City Zoning Ordinance and its Comprehensive Plan in that it will allow for a better use of the subject property.

Your Petitioner hereby requests that the following Proffers set out in Ordinance No. 31443-051793 be repealed:

The subject property shall be used only for any of the following purposes:

- (a) General storage and warehousing establishment engaged in the storage of miscellaneous merchandise not for sale on the same premises;
- (b) Establishment engaged in the wholesale distribution of goods; and
- (c) No outside storage will be allowed on the premises.

Your Petitioner further requests that the following proffered conditions be substituted and adopted for those existing proffers delineated above:

1. That the subject property shall be used only for any of the following purposes:

- (a) General storage and warehousing establishments engaged in the storage of miscellaneous merchandise not for sale on the same premises;
- (b) Establishments engaged in the wholesale distribution of goods;
- (c) Manufacturing establishments primarily engaged in the manufacture, assembly, mixing, processing or other processes related to the creation of new products and including as an accessory use, the retail sale of goods manufactured on the premises, where all such manufacturing, assembly, mixing, processing or other processes related to the creation of new products, and retail sales of goods manufactured on the premises, are wholly enclosed in a building.
- (d) Establishments engaged in the retail sale of building or construction supplies and equipment provided the gross floor area of such buildings is not less than twenty thousand (20,000) square feet.

2. There will be no freestanding signage on the property.

3. Any outside storage shall be screened with a solid fence (wood, vinyl or metal) so as not to be visible from Melrose Avenue and from the cemetery.

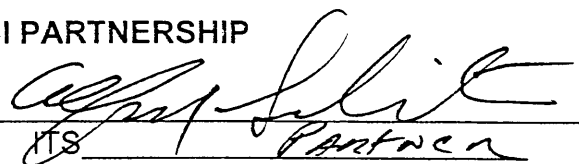
Attached as **Exhibit 2** are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the subject property.

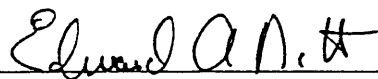
WHEREFORE, your Petitioner requests that the above-described amended proffers be repealed and amended as herein set out in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 25 day of June,  
2003.

HASI PARTNERSHIP

BY

  
ITS Partner

  
Edward A. Natt, Esq.  
OSTERHOUDT, PRILLAMAN, NATT,  
HELSCHER, YOST, MAXWELL &  
FERGUSON, P.L.C.  
P. O. Box 20487  
Roanoke, VA 24018-0049  
Phone: (540) 725-8180  
Fax: (540) 772-0126  
VSB #1104

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

531  
8/17/03

AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 266, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned from C-2, General Commercial District, to LM, Light Manufacturing District; and dispensing with the second reading by title of this ordinance.

WHEREAS, HASI Partnership filed an application to the Council of the City of Roanoke to amend certain conditions presently binding upon a tract of land located at 3342 Melrose Avenue, N.W., being further identified as Official Tax No. 2660417, which property was previously conditionally rezoned by Ordinance No. 30040, adopted May 21, 1990; which proffers were repealed, and the property was made subject to new proffers, by the adoption of Ordinance No. 31443, adopted May 17, 1993.

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on such application at its meeting on July 21, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest

and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the conditions now binding upon the above-described property should be amended as requested.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Ordinance No. 31443, adopted May 17, 1993, be repealed;
2. Sections 36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 266 of the Sectional 1976 Zone Map, City of Roanoke, be amended to reflect the proffered conditions as shown in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on June 26, 2003, and as set forth in the report of the Planning Commission dated July 21, 2003, and Official Tax No. 2660417 be made subject to the proffered conditions set forth in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on June 26, 2003; and

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.





## CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Encroachments into Public Right-of Way  
Modular News Racks at Center in the  
Square and Sun Trust Buildings

City staff has been working for several months with Downtown Roanoke, Inc. (DRI) and various publishers on the placement and appearance of news racks located along public sidewalks throughout the downtown area. Two specific locations are currently being addressed to improve the appearance and safety of the racks and allow the various publishers to utilize a uniform modular news rack that will be owned and managed by DRI, eliminating the individual racks at those two locations.

DRI has requested permission to install two of these modular news racks, with all necessary appurtenances thereto, at each of the two locations downtown where several individual racks are currently located. The proposed racks will create encroachments into the public rights-of-way at Franklin Road and also at Market Square. See Attachments #1 and #2.

The proposed encroachment at Franklin Road will extend approximately 2 feet into the sidewalk from the concrete planter. The units measure 4 feet wide by 1.5 feet deep and 6 feet wide by 1.5 foot deep. Both units are 5 feet high. The sidewalk of Franklin Road at this location is approximately 10 feet wide. The proposed encroachment at Market Square will extend approximately 2 feet into the sidewalk from the curb. The units are the same size as those proposed for the Franklin Road location. The sidewalk of Market Square at this location is approximately 17.5 feet wide. Liability insurance and indemnification of the City of Roanoke by the applicant shall be provided as specified in the attached exhibit, subject to approval of the City's Risk Manager. See Attachment #3.

The City's Architectural Review Board granted a certificate of appropriateness on July 10, 2003, for the two racks in Market Square since they will be installed within an historic district.

Honorable Mayor and Members of Council  
July 21, 2003  
Page 2

Recommended Action(s):

Council adopt an ordinance, to be executed by Downtown Roanoke, Inc., and recorded in the Clerk's office of the Circuit Court for the City of Roanoke, granting a revocable license to allow the installation of four modular news racks that encroach into the public rights-of-way as described above.

Respectfully submitted,



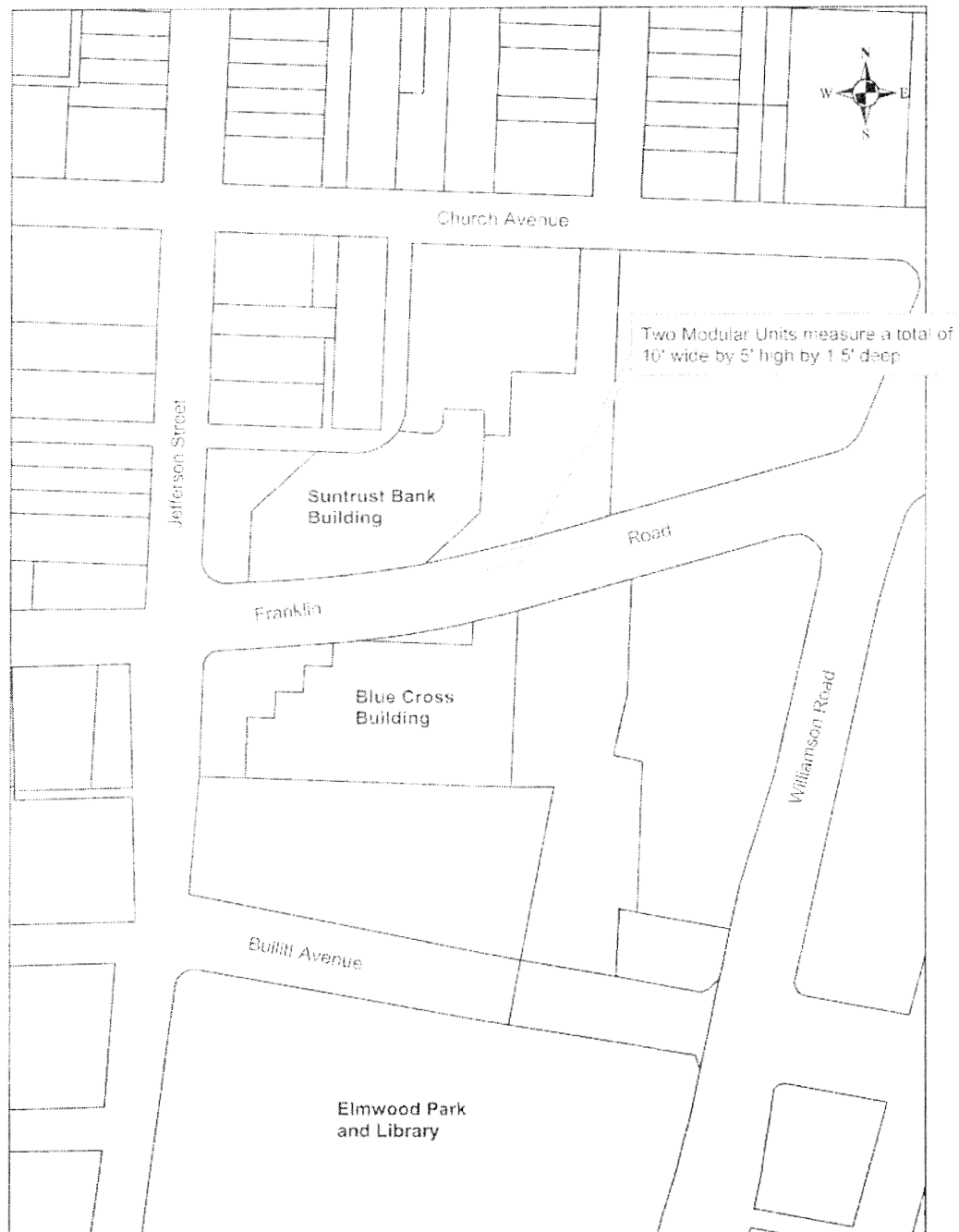
Darlene L. Burcham  
City Manager

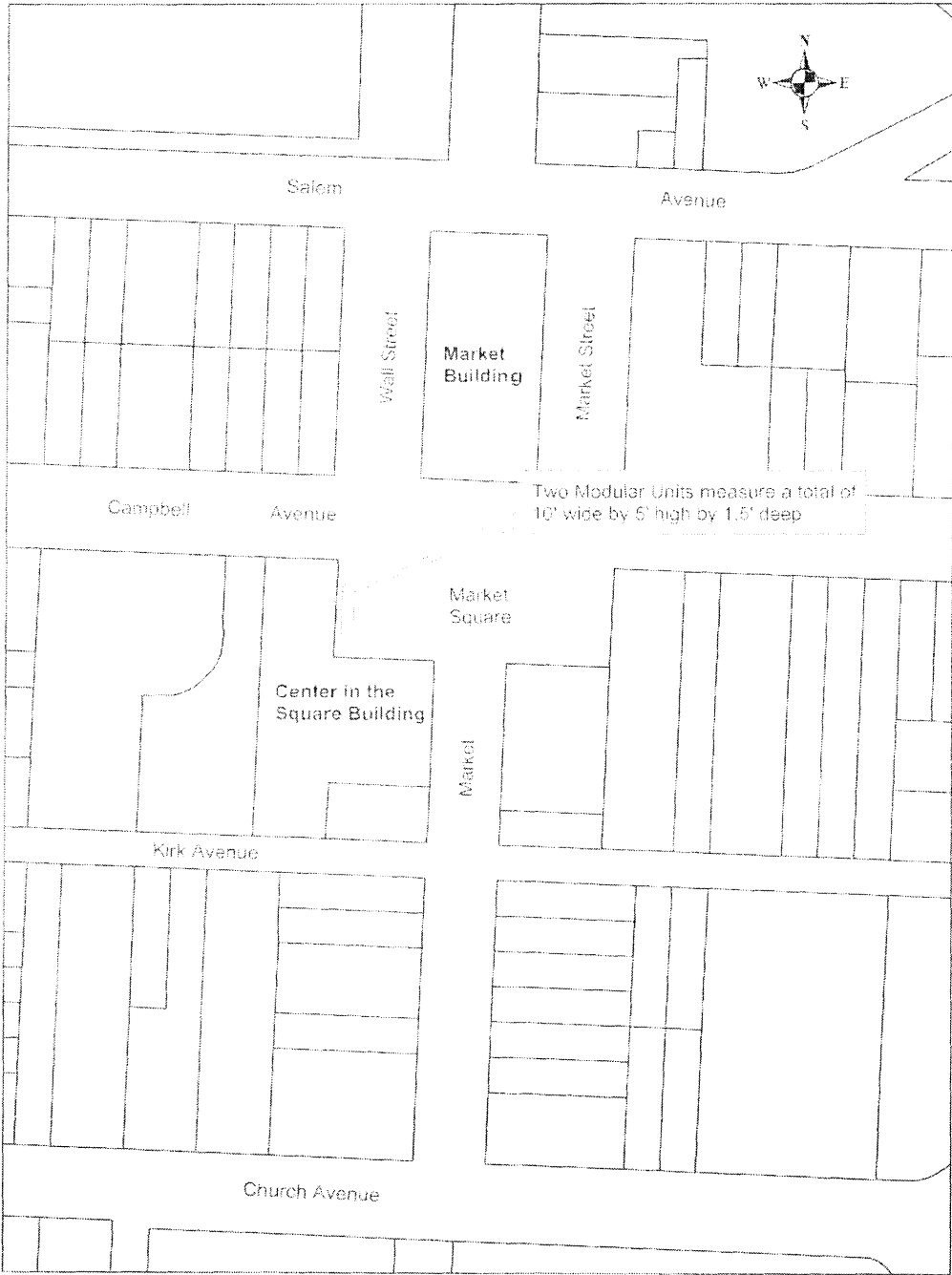
DLB/SEF

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Sarah E. Fitton, Engineering Coordinator

#CM03-00155





**INSURANCE REQUIREMENTS  
FOR ENCROACHMENTS IN RIGHT-OF-WAY  
COMMERCIAL**

Owner shall obtain liability insurance coverage with respect to claims arising out of the subject matter of this agreement. The amount of such insurance shall not be less than:

- A. General Aggregate \$1,000,000
- B. Products - Completed/Operations Aggregate \$1,000,000
- C. Personal and Advertising Injury \$1,000,000
- D. Each Occurrence \$1,000,000
- E. Above amounts may be met by umbrella form coverage in a minimum amount of \$1,000,000 aggregate; \$1,000,000 each occurrence.

Owner shall name the City, its officers, agents, employees, and volunteers as additional insured as its interests may appear on the above policy. Such coverage shall not be canceled or materially altered except after thirty (30) days prior written notice of such cancellation or material alteration to the City Engineer of the City of Roanoke.

Owner shall indemnify and save harmless the City of Roanoke, its officials, officers and employees, from all claims for injuries or damages to persons or property that may arise by reason of the encroachment over public right-of-way.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE granting a revocable license to permit the encroachment of two modular news racks extending approximately two (2) feet onto the sidewalk of Franklin Road and two modular news racks extending approximately two (2) feet onto the sidewalk of Market Square, S.E., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Permission is hereby granted Downtown Roanoke, Inc. ("Licensee"), to permit the encroachment of two modular news racks extending approximately two (2) feet onto the sidewalk of Franklin Road and two modular news racks extending approximately two (2) feet onto the sidewalk of Market Square, S.E., as more fully described in a letter of the City Manager to City Council dated July 21, 2003.
2. Such license, granted pursuant to §15.2-2010, Code of Virginia (1950), as amended, shall be revocable at the pleasure of the Council of the City of Roanoke and subject to all the limitations contained in §15.2-2009.
3. It shall be agreed by the Licensee that, in maintaining such encroachment, the Licensee and its grantees, assignees, or successors in interest shall agree to indemnify and save harmless the City of Roanoke, its officials, officers and employees from all claims for injuries or damages to persons or property that may arise by reason of the above-described encroachment in the public right-of-way.
4. The Licensee, its grantors, assigns or successor in interest shall for the duration of this license maintain on file with the City Clerk's Office evidence of insurance coverage in an amount

not less than \$1,000,000.00. This insurance requirement may be met by either homeowner's insurance or commercial general liability insurance. The certificate of insurance must list the City of Roanoke, its officers, employees, agents and volunteers as additional insureds, and an endorsement by the insurance company naming the City as an additional insured must be received within thirty (30) days. The certificate shall state that such insurance may not be canceled or materially altered without thirty (30) days written advance notice of such cancellation or alteration being provided to the Risk Management Officer for the City of Roanoke.

5. The City Clerk shall transmit an attested copy of this ordinance to Downtown Roanoke, Inc., 213 Market Street, S.E., Roanoke, Virginia 24011.

6. This ordinance shall be in full force and effect at such time as a copy, duly signed, sealed, and acknowledged by the Licensee, has been admitted to record, at the cost of the Licensee, in the Clerk's Office of the Circuit Court for the City of Roanoke and shall remain in effect only so long as a valid, current certificate evidencing the insurance required in Paragraph 4 above is on file in the Office of the City Clerk.

7. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

**ACCEPTED and EXECUTED** by the undersigned this \_\_\_\_\_ day of \_\_\_\_\_,  
2003.

DOWNTOWN ROANOKE, INC.

By: \_\_\_\_\_  
Its \_\_\_\_\_

COMMONWEALTH OF VIRGINIA

§

§ To-Wit:

CITY OF ROANOKE

§

The foregoing instrument was acknowledged before me in my jurisdiction aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of Downtown Roanoke, Inc.

My Commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public





**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364

Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

July 21, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Lease Agreement for Use of City  
Water Tank CM03-00156

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
City Clerk  
Director of Finance

D.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the proper City officials to enter into a Lease Agreement between the City and Nextel WIP Lease Corp., a Delaware corporation, d/b/a Nextel Partners, for use of a portion of a City owned water tank and the site on which it sits, which is located in the area of 4500 Franklin Road S.W., at the end of Summit Way Drive, S.W., Tax Map No. 5380121, known as the Summit Water Tank, and which will provide that Nextel Partners will use such area for the placement, operation, and maintenance of personal communication system antennas and related equipment, upon certain terms and conditions; authorizing the City Manager to take such further action and execute such additional documents as may be necessary to implement and administer such Lease Agreement; and dispensing with the second reading by title of this ordinance.

WHEREAS, the Council of the City of Roanoke has held a public hearing on this matter, after proper advertisement as are required by §15.2-1800, et seq., Code of Virginia (1950), as amended.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, a Lease Agreement between the City and Nextel WIP Lease Corp., a Delaware corporation, d/b/a Nextel Partners, for the use of a portion of a City owned water tank known as the

Summit Water Tank, and the site upon which it is located, which is located in the area of 4500 Franklin Road, S. W., at the end of Summit Way Drive, S. W., Tax Map No. 5380121, with such use being for the placement, operation, and maintenance of personal communication system antennas and related equipment for a period to commence on August 1, 2003, and to run through July 31, 2007, with up to two five-year renewals upon mutual agreement of the parties and with a rental rate per month as follows:

\$1,325.00/month from August 1, 2003, through December 31, 2003;  
\$1,550.00/month from January 1, 2004, through December 31, 2004;  
\$1,675.00/month from January 1, 2005, through July 31, 2007;

and upon such other terms and conditions as may be deemed appropriate by the City Manager, as more particularly set forth in the City Manager's letter to City Council dated July 21, 2003.

2. The City Manager is authorized take such further actions and execute such additional documents as may be necessary to implement and administer such Lease Agreement.

3. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.